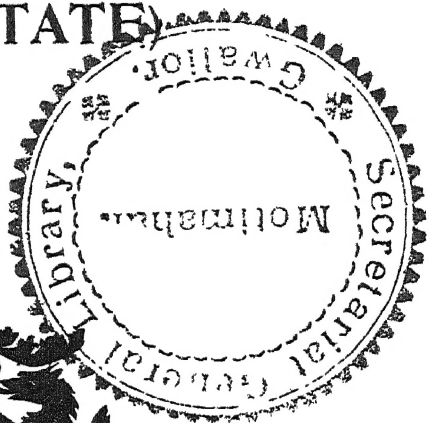


DARBAR POLICY

WITH REGARD TO
JAGIRDARS AND MANSABDARS
(GWALIOR STATE)



TRANSLATED BY
Lieut.-Col. C. E. LUARD, M.A., C.I.E., I. A.,

AND REVISED BY
Lieut.-Col. K. N. HAKSAR, B.A., C.I.E.

Vol. XI



GWALIOR
PRINTED AT THE ALIJAH DARBAR PRESS,—LASHKAR



1924

CONTENTS.

Serial No. of Section.	SUBJECT.	Page.
1.	What is understood by Jagirdars and Mansabdars ? ...	1
2.	Description of the Grants possessed by Jagirdars and Mansabdars	1
3.	Classification of the above Holders and their Implicit Allegiance to the Darbar	1—2
4.	The Terms of Sanads	2—5
5.	It is obligatory on the Jagirdars and Mansabdars to render Service to the Darbar	5
6.	Relations between the Jagirdars and the Darbar ...	5—6
7.	General Policy of the Darbar towards their Jagirdars ...	6—7
8.	Present Condition of Jagirdars	7
9.	If Grantees do not help themselves, how it is possible for the Darbar to rely on them ?	7
10.	The Obligations of Jagirdars towards their Jagirs, their Relatives and Families, besides those due to the State ...	7—8
11.	Mutual Mistakes tending to strain the Relations between the State and its Jagirdars	8
12.	Results accruing from leaving Jagirdars to their own Devices and not taking Service from them	8—9
13.	Jagirdars do not hold the same Status as a Ruler ...	9
14.	Duties of a Ruler towards his Jagirdars	9—10
15.	Rulers to administer Justice honestly and impartially ...	10
16.	How the State should deal with the Faults and Short- comings of Jagirdars	11
17.	Increasing the Revenues of the Jagirs	11
18.	The Constitution of a State	11—13
19.	Summary	13—15
20.	Approval of the new Policy by the Jagirdars and Majlis- i-Khas	15

Appendices.

21.	Note on the Policy pursued by the Darbar towards its Jagirdars up to the present day and that which will be followed in future	19—57
-----	---	-------

1.	What is understood by Jagirdars and Mansabdars ?	...	1
2.	Description of the Grants possessed by Jagirdars and Mansabdars	1
3.	Classification of the above Holders and their Implicit Allegiance to the Darbar	1—2
4.	The Terms of Sanads	2—5
5.	It is obligatory on the Jagirdars and Mansabdars to render Service to the Darbar	5
6.	Relations between the Jagirdars and the Darbar	...	5—6
7.	General Policy of the Darbar towards their Jagirdars	...	6—7
8.	Present Condition of Jagirdars	7
9.	If Grantees do not help themselves, how it is possible for the Darbar to rely on them ?	7
10.	The Obligations of Jagirdars towards their Jagirs, their Relatives and Families, besides those due to the State	...	7—8
11.	Mutual Mistakes tending to strain the Relations between the State and its Jagirdars	8
12.	Results accruing from leaving Jagirdars to their own Devices and not taking Service from them	8—9
13.	Jagirdars do not hold the same Status as a Ruler	...	9
14.	Duties of a Ruler towards his Jagirdars	9—10
15.	Ruler's to administer Justice honestly and impartially	...	10
16.	How the State should deal with the Faults and Shortcomings of Jagirdars	11
17.	Increasing the Revenues of the Jagirs	11
18.	The Constitution of a State	11—13
19.	Summary	13—15
20.	Approval of the new Policy by the Jagirdars and Majlis-i-Khas	15

Appendices.

21.	Note on the Policy pursued by the Darbar towards its Jagirdars up to the present day and that which will be followed in future	19—57
22.	Relating with Rulings incidentally passed by the Darbar		

CONTENTS.

Serial No. of Section.	S U B J E C T.	Page.
1.	What is understood by Jagirdars and Mansabdars ? ...	1
2.	Description of the Grants possessed by Jagirdars and Mansabdars	1
3.	Classification of the above Holders and their Implicit Allegiance to the Darbar	1—2
4.	The Terms of Sanads	2—5
5.	It is obligatory on the Jagirdars and Mansabdars to render Service to the Darbar	5
6.	Relations between the Jagirdars and the Darbar ...	5—6
7.	General Policy of the Darbar towards their Jagirdars ...	6—7
8.	Present Condition of Jagirdars	7
9.	If Grantees do not help themselves, how it is possible for the Darbar to rely on them ?	7
10.	The Obligations of Jagirdars towards their Jagirs, their Relatives and Families, besides those due to the State ...	7—8
11.	Mutual Mistakes tending to strain the Relations between the State and its Jagirdars	8
12.	Results accruing from leaving Jagirdars to their own Devices and not taking Service from them	8—9
13.	Jagirdars do not hold the same Status as a Ruler ...	9
14.	Duties of a Ruler towards his Jagirdars	9—10
15.	Rulers to administer Justice honestly and impartially ...	10
16.	How the State should deal with the Faults and Short- comings of Jagirdars	11
17.	Increasing the Revenues of the Jagirs	11
18.	The Constitution of a State	11—13
19.	Summary	13—15
20.	Approval of the new Policy by the Jagirdars and Majlis- i-Khas	15

Appendices.

21.	Note on the Policy pursued by the Darbar towards its Jagirdars up to the present day and that which will be followed in future	19—57
22.	Relating with Rulings incidentally passed by the Darbar from time to time in the course of inquiry into certain cases after the publication of the Jagirdars' Rules ...	58—61

DARBAR POLICY

WITH REGARD TO

Jagirdars and Mansabdars.



What is understood by Jagirdars and Mansabdars ?

What are Jagirdars, Sardars, Darakdars, Nankardars, Istim-rardars, etc. ? What distinction exists between these and other officers and what does the Darbar expect from them ?

They are persons who being considered by their Master as his dependants, have, on account of conspicuous services, been granted Sanads on the authority of which they hold lands, or cash allowances, either for their life-time, hereditarily from generation to generation, or renewable annually.

2. The grants thus held by members of these classes are of four kinds:—

Description of the grants possessed by Jagirdars and Mansabdars.

(1) Grants made by the House of Scindia.

(2) Estates created by the ancestors of the present holders in former days by their own actions, in becoming masters of some parts of the country, possession being later on confirmed under the suzerainty of some emperor, when they assumed the status of Rajas or of Jagirdars.

(3) Grants made by former Rulers of Gwalior.

(4) Grants that came under the Darbar owing to the exchange of territories.

Classification of the above holders and their implicit allegiance to the Darbar.

3. No. 1 is quite clear, as the grant must be one conferred by the House of Scindia. As regards No. 2 (holders of grants who passed under the Darbar as a result of the invasion, though such grants were made by a previous Ruler of the country) the fact that they were continued by the invader must be held as tantamount to their having been made by him, as otherwise, in those days, nothing could have prevented the invader from sequestrating them.

No. 3 is practically parallel to No. 2. Grants under No. 4 must fall under either No. 1 or No. 2. The holders of such grants must have been aware, at the time of the transfer of the jurisdiction under which they then were, that their silence and omission to raise any objection on their transfer are clear proofs of the fact that they then accepted the proposed transfer and acknowledged the suzerainty of their new Master, *i. e.*, they willingly and cheerfully acknowledged that they would be his obedient and faithful servants and would not in any way evade the performance of such orders as might be given by their new Master.

Had they been dissatisfied they would have expressed their unwillingness on that occasion.

An incontrovertible reply to any objection on their part to carrying out the orders of their new Master is that, if they objected, it was their duty, at the time of the transfer, to raise objections before those responsible for the transfer, and make it quite clear whether they would or would not willingly obey orders.

It is obviously not open to any one to raise objection to a transfer after so long an interval, the time for considering objections having elapsed.

4. The facts enumerated above contain nothing to warrant the view that holders of grants are exempted from service of any kind. No other support of this view is necessary than a reference to the universally accepted principle that the terms entered by the Suzerain in the Sanad must be adhered to by the grantee. For examples of standard Sanad terms, see the words and sentences noted below :—

The terms of
the Sanads.

- (1) Including Water, Trees, Grass, Wood, Stone, Minerals and Treasure-trove (*Jal, taru, trin, kashth, pashan, nidhi, nikshep sahit*).

These words constitute a sentence which is often made use of in Sanads with a view to denote that rights on all natural products, in which minerals are included as distinct from products of agriculture, have been bestowed upon the grantee.

The literal meaning of these words is as below:—Water, trees, grass, wood, stones, minerals and treasure-trove.

Hence all forests, quarries of stones, minerals and mines which exist in the Jagirs in the Sanads of which the above-mentioned words are found, are the property of the Jagirdar.

- (2) "Including all dues and cesses." (*Kul Bab, Kul Qanun, sudhan*).

These expressions denote the dues and cesses which are actually levied in the village. The word "Kanun," as used in this sentence, does not mean any Act or Law but denotes a cess.

- (3) "Including all dues and cesses, judicial powers (civil and criminal) and all general and miscellaneous rights exercised ordinarily by the State." (*Kul Bab, Kul Qanun, Diwani, Faujdari, Darobast, Sarkari Amal, sudhan*).

The expressions " Diwani " and " Faujdari " (Civil and Criminal) refer to the fact that power to dispose of civil and criminal cases which arise within the area of the Jagir and the right to the realization of the fees and fines from such cases vests in the Jagirdar. This does not mean that the powers of the Jagirdar are unlimited. The limiting of the Judicial powers of the Jagirdar is dependent upon the pleasure of the Government.

The expression " Darobast Sarkari Amal " here made use of, denotes all such general and miscellaneous rights as the Sarkar are entitled to exercise in respect of a village. For instance,—recovery of revenue, of miscellaneous sums, cesses and *haqs*, etc.—that is, all the village rights of the Sarkar (*Gaonti haq*).

- (4) "Excluding Devasthan, Dharmada, Padarakh, and Haqdars." (*Devasthan, Dharmadaya, Padarakh, Haqdar kherij*).

This expression means that such grants as were extant in a village prior to the grant of that village (such as allowances to temples or *devasthan*, charitable grants or *dharmadaya* and *padarakh* and existing petty rights) are excluded from the ownership and possession of the Jagirdar. Therefore mutation of names and other actions in respect of these grants will lie with the Government and the Jagirdars will have no power to interfere with these rights and old grants.

- (5) The words "*Hin Hayat*" (for life) means that the grant is for the grantee's life only.

- (6) "*Sal darsal ghet jane*" or (*anubhavit jane*).

The expression "Sal darsal" (annual) if it is used singly without adding before or after any of the expressions defined below denotes that the continuance of the grants is entirely dependent on the pleasure of the Ruler of the State.

- (7) ***Putra Pautradi Vansha Parampara*** or ***Putra Pautradi Auras wa Dattak Vansha Parampara*** (from generation to generation, in perpetuity).

The expression means that the grant continues in favour of real or adopted sons in accordance with the Dharmashastra and the Rules issued by the Government on the subject.

- (8) ***Hamesha ghet jane*** or ***Sudamat pasun chalat alya pramane nirantar ghet jane***.

The meaning of these expressions is identical with that of

PUTRA PAUTRADDI VANSHA PARAMPARA.

If this view is admitted, then in that case it will also have to be admitted that the entry of the words shown above was unnecessary. But simply because such words alone are entered in the Sanad and no conditions of any other kind are alluded to, it cannot be said that the original grantor had no intention of taking service from the grantee.

It is a principle of law that benefit of doubt is granted to the accused, but where documentary evidence clearly exists (against his contentions) there is no room for doubt. There remains the question of interpretation. Thus in interpreting a Sanad where, in spite of clear evidence, an improperly founded claim is made and the benefit of doubt is allowed to the maker, it cannot be termed a correct interpretation. Admittedly every Government has to rely on its officials, but when such officials show partiality it becomes the duty of the Government to bring them back on to the right path. This is possible only when efficient control is exercised over the actions of officials.

Ordinarily, when this control is either by chance or intentionally omitted by officers or subordinate officials, discontent prevails among the holders of grants. It is, therefore, necessary that officers should never be allowed to read Sanads according to their own views and interpret them in accordance with such views. Nor should Government (irrespective of the profit or loss to any one), uphold such

interpretations, so as to obviate the existence of any difference between itself and its subordinate officials.

5. Keeping these points in view, as well as the actual terms of the Sanads, it is clear that such persons are under an obligation to willingly perform such services as may be required of them. Any who hold a contrary view are obviously in the wrong. Moreover, they must always be ready to render such services, in the hope that by rendering some signal service they may be entitled to reward in some shape or other, *i. e.*, either in the increase of their land or cash allowances, either for life or in perpetuity, this depending on the value of the service rendered. For instance, if a man on any occasion saved the life of his Master, protected the State from foreign invasion or performed any conspicuous service of a smaller kind, the performer of such a deed would be entitled to grants and other honours which his descendants would enjoy without molestation for ever.

It is obligatory on the Jagirdars and Mansabdars to render service to the Darbar.

6. It is hoped that the mutual relations of the grantor and the grantee will be clearly understood by what has been written above, and that it will also be seen that the grantor who has willingly and cheerfully conferred these grants and honours can have no reason to entertain unfavourable ideas regarding the grantees. Still the grantees do entertain such ideas, and careful reflection and experience prove the following to be the only cause of this unsatisfactory state of things :--

Relations between the Jagirdars and the Darbar.

- (1) The Jagirdars do not now attend to their duties with that interest and loyalty which their forefathers displayed, and in return for which they were rewarded with grants. It is here necessary to point out that if the successors of the original grantees of Jagirs behaved in the same manner towards the Darbar as their ancestors have done before them there would be no cause for friction. By exhibiting due obedience and loyalty and by refraining from vexatious opposition and contumacy every servant can gain the good-will and confidence of his Master. Otherwise it is impossible to prevent friction arising from time to time. Those who do not behave as their ancestors did, as mentioned above, are certain to have disputes with their masters, while those who observe due obedience and loyalty

will live at peace. Reflection will show that neither the grantor nor the grantee could ever have dreamt that succeeding generations would adopt such an improper attitude, otherwise the system of making grants would never have been instituted at all.

If any Jagirdar holds the view that because his Jagir existed before it passed into the possession of Scindia by right of conquest, he is placed in a superior position to Jagirdars who acquired their grants after this event, then that view is based on a fallacy and is untenable. For it has been clearly explained above that such early grants must be treated as grants made by the ruling house of Scindia itself and there can be no two opinions about it.

- (2) An unreasonable attitude contributes to the displeasure of the master and leads to the ruin of the Jagirdars.

Whenever any new orders are passed by the Darbar (although these are in no way derogatory to their rank and status) the Jagirdars immediately put forward objections calling on the Darbar to have due regard for their prestige and proper adherence to the terms in old records. But it is unfortunate that they never give a moment's thought as to what the Darbar's rights are, or as to the conditions under which the honours and Jagirs were conferred on their ancestors. But the Jagirdars, puffed up with pride, disregard the Darbar's orders—a most injurious attitude.

7. My own policy towards the Jagirdars from the beginning up to this time, together with my obligations to them as their master have been explained in Appendix No. 1.

<p>General Policy of the Darbar to- wards their Jagir- dars.</p>
--

It should be understood that Jagirs and other grants are assigned with the objects of :—

- (1) augmenting the status of those who rendered good service;
- (2) securing peace of mind to the Ruler and so enabling him to repose confidence on his Jagirdars.

NOTE,—In all cases a Ruler should be on more intimate terms of peace and amity with his Jagirdars and be able to repose greater confidence on them, than on his paid staff.

The reverse of this would be most disappointing.

Obviously these grants were not made in order that the successors of the original grantees might become the mortal enemies of

their Suzerain or that their improper behaviour should create in the Ruler's mind an impression that these men are an undesirable encumbrance and that instead of doing him service they cause him extra labour and are a source of trouble in many ways.

Clearly, had the original grantor foreseen that the successors of his grantees would give so much trouble to his own descendants, he would never have instituted such a system of rewards at all.

8. How can the Jagirdar be considered a faithful vassal if he deliberately neglects his duties and thus causes his Suzerain endless trouble ?

Present condition of Jagirdars.

Things have now come to such a pass that the Ruler has to provide for every need of Jagirdars, great and small. When the Jagirs were granted, it was hoped that the Jagirdars would help in maintaining the power and prestige of their Suzerain in the same way as the ropes of a tent keep it steady. But unfortunately experience at the present time shows the reverse to be the truth. The Jagirdars instead of being a help have become a hindrance. This is a matter for sincere regret.

9. This fact is also worth consideration, that the grantor

If grantees do not help themselves, how is it possible for the Darbar to rely on them ?

made these grants believing that the grantees would by their support increase the strength of the State. But since experience has proved that the Jagirdars cannot even manage their own affairs, how can the Darbar look to them for support, and what reliance can the Ruler place in them ?

10. Besides fidelity and loyalty to their Suzerain there are other obligations incumbent on the Jagirdars.

The obligations of Jagirdars towards their Jagirs, their relatives and families, besides those due to the State.

They must treat such of their Ruler's subjects as are entrusted to their charge with justice, sympathy and humanity, endeavour to better their condition, and carefully consider their education, sanitary conditions, and general welfare. They must also take steps for the improvement of their Jagirs, so as to increase their incomes, and to give their children such a liberal education as will qualify them for the service of the State. They should turn their money in a way calculated to improve their financial position. They must attend to both their private and public duties with such earnestness and devotion as will produce good results. These matters, generally

speaking, sum up the main duties of the Jagirdars. Unfortunately in practice it is found that the Jagirdars generally resort to unlawful means in order to benefit themselves at the expense of their subjects. This shortsighted and miserly policy is incompatible with their dignity. In addition, sensuality, drunkenness, indebtedness, carelessness, and benefiting themselves at the expense of their subjects, are evils which will ultimately ruin the Jagirdars as well as the subjects, just as leeches drain a man's blood :—

- II. It is the duty of the Ruler of a State to speak justly, listen to what is true and act honestly. Hence it is desirable to point out the errors detailed below, recollecting that these errors are not restricted to Jagirdars alone, but that Rulers of States also are liable to them, have indeed committed them before and may perhaps commit them again. It is these errors that interfere with good mutual relations between the parties :—

Mutual mistakes tending to strain the relations between the State and its Jagirdars.

1. To have no care for the Jagirdars and leave them to their own devices.
 2. Adopting a policy which gradually weakens the bonds between them and ultimately places the two parties in the position of plaintiff and defendant.
 3. Adopting a policy which makes the Jagirdars' condition worse day by day and prevents them thriving, as has actually happened in certain States, where inquiries will show that there are few, if any, Jagirdars left and that their number is fast decreasing.
 4. Unreasonably interfering with the Jagirdars' rights.
 5. Introducing a new scheme or enforcing fresh regulations without first framing rules relating to their application.
12. By allowing the Jagirdars to follow their own devices and not requiring service is tantamount to encouragement of the Jagirdars by their Master to adopt a pernicious attitude and as a result of this to regard their Suzerain as a mere cypher, so that when an order issues for the performance of some service the Jagirdar opposes it and gives open expression to his dissatisfaction, entirely oblivious both of the obligations he owes to his Master, and to him

Results accruing from leaving Jagirdars to their own devices and not taking service from them.

who conferred the Jagir on him. No wonder, therefore, that not having been called on to perform service for generations, the impression is naturally created in the Jagirdar's mind that he enjoys the Jagir as a reward for the signal deeds of his forefathers and that no service can now be demanded from him. Things by degrees reach such a pass that mild, persuasive means fail, and the Jagirdar, after using evasion and artifice, finally gets ready to fight. Such conduct is obviously unbecoming and inconsistent with the position of a Jagirdar.

13. The Jagirdars are in all respects the subordinates of their Rulers and can on no account aspire to equality with them. They are in the same position relative to the Ruler as other officers of the State are, and are similarly eligible for rewards for good service, or liable to punishment for evil deeds. If a Jagirdar holds any other view, he is in error.

Jagirdars do not hold the same status as a Ruler.

The system of Jagir grants is a feature peculiar to India and is unknown in other countries. It is, therefore, liable to be misunderstood by foreigners who cannot rightly understand its significance and aims and objects, nor do they grasp the fact that it is a compact between master and servant, and not between two parties of equal rank. This being the case, if tension occurs between master and servant the matter cannot be treated as one requiring decision by a judicial tribunal but as a matter in dispute between master and servant. Keeping this relative position in view, the case must be disposed of after considering as to what extent the parties have been carrying out their respective obligations. The party overstepping the line laid down should be checked by higher authority, but a servant must not be pitted against his master, as if on terms of equality, nor should he be supported at the expense of his master's dignity.

14. The obligations which a Ruler and Jagirdar owe to each other must never be ignored, as the old proverb says, "The cymbals are always played with both hands" (i. e., there are two sides to every dispute). When Rulers fail to deal honestly, justly, and sympathetically with their subordinates then only do the

Duties of a Ruler towards his Jagirdars.
--

latter seek the protection of a third party to enable them to defend themselves against the former; and the third party, taking undue

advantage of the opportunity, unnecessarily thrusts itself into the quarrel and becomes the sole cause of disruption and antagonism between the contending parties. Further more, the discontented subordinate is openly treated by the third party with such extravagant honour, politeness and manifest consideration that he soon feels that he could never have secured better supporters and friends in the world; and this is true, for it originates in the Ruler's own carelessness and error of judgment. Had the Ruler from the first conducted himself in his dealings with the Jagirdars with care and consideration, it would have precluded the possibility of this unsatisfactory state of things. It is this lack of care and consideration on the part of the Ruler which gradually laid the foundation of the "guarantee system," by forcing the Jagirdars to appeal to a higher authority. A consideration of the position of those Jagirdars of the State who are termed "guaranteed," shews that the apathetic attitude of the Rulers of those days and their officers towards them, at last culminated in placing the State in the position of plaintiff and the Jagirdars in that of defendant, a consummation never dreamt of, which has given rise to complications and evils that it has taken full 25 years to put right and again bring the Jagirdars under State control. Under pressure of circumstances it was found expedient during this settlement to have recourse to compromise and various Jagirdars whose tenures were strictly granted for life only, were given hereditary Sanads in perpetuity. Only a Ruler who makes a point of dealing justly and honestly by his subordinates can maintain good order. A Ruler who acts otherwise, forces his subordinates to seek shelter elsewhere in order to save themselves, or drives them into rebellion. For such results the Ruler is to blame.

15. The Ruler should administer justice honestly and impartially to his subjects as well as to his servants (this term comprising Jagirdars holding grants under Sanads and also salaried servants who have no Sanads). His aim should be to raise the honour of all, to award punishment according to the gravity of the offence, to remind everyone of his position, to encourage those who do good work, etc., etc. By

<p>Rulers to administer justice honestly and impartially.</p>

following these principles a Ruler will be able to manage his State successfully.

16. A Ruler, in dealing with the faults and shortcomings of his Jagirdars, must overlook such lapses up to a point, but not so as to cause the Jagirdars to wholly disregard him, until he washes his hands of them in despair. For, the result of such a course is that the Jagirdars believe that such continuous overlooking of their actions proves the Ruler a weak man who will soon leave them to follow their own sweet way. Such weakness must not be shown.

How the State should deal with the faults and shortcomings of the Jagirdars.

In the course of my Malwa tour in 1895, I received a visit from the Jagirdars at Agar who, according to custom, were accompanied by their Kamdars or managers. In Darbar I asked a question of one of the Jagirdars but, instead of his answering, his Kamdar began to reply. This I checked as a piece of impertinence, as I was addressing his master. Two points may be noted in connection with this event, the low standard of the manners, and general lack of education, of the Jagirdars at that time. Instead of silence the Jagirdar ought to have recollected that personal conversation between the Ruler and a subject of any rank is a matter of pride and the visit an occasion to be thankful for.

17. Jagirdars who are desirous of increasing their revenues cannot do better than follow the method I pointed out in my review of an annual report an extract from which is given below :—

Increasing the revenues of the Jagirs.

“ If it is desired to increase land revenue and make the estates prosperous then three things are necessary,

namely :—

- (1) Good Settlement.
- (2) Irrigation.
- (3) Communication.”

(Extract from the Darbar's Review of the Administration Report for the year 1912-13, Samvat 1969, page 5.)

18. Thus it is clear that so long as State officials, whether of higher or lower grades, are not under the complete control of their Master, the State of that Ruler is no real State and its Master in such case cannot be rightly styled a Ruler but only an Honorary Jagirdar. A State can be said to consist of its Sardars, Darakdars, Mankaris and other high officials. There must also be an army,

The constitution of a State.

police, a mint, hospitals and post offices and the Ruler of the State must possess the power of passing sentences of life and death and of making laws and regulations.

In short the duty of the Ruler of a State consists in maintaining his Sardars and landowners and doing his utmost to improve their status, supporting those dependent and exacting work from them while making allowances for their deficiencies.

19. It is my firm conviction that no Ruler or dependant who adheres to these principles will prove a failure. Thus it is essential that a Ruler should bear in mind the principles stated above and should Jagirdars act contrary to such principles with regard to their rights and inter-relations with him, he must exercise his authority with the utmost patience. It is most improper to immediately issue ill-considered orders in the heat of anger and personal feeling. It is sufficient if, at first, warning and instructions are given. If such admonitions fail to have any effect, more severe steps should be taken. If circumstances admit of success by treating them leniently, then such treatment is far superior to harsher measures. Circumstances must be carefully considered and harsh or mild treatment exercised with patience, at the right moment and without heat. The Ruler's attitude towards his dependants and Jagirdars should be so humane and patient that if the case comes before the public they will be convinced of the fact that the Ruler in reality has been as lenient, considerate and long-suffering as was possible, although the Jagirdar, in spite of all the chances given to him, had made no attempt to rectify his conduct. When it is necessary to exercise compulsion in a case of misconduct by a Jagirdar, it is a safe rule not to proceed to extreme measures until he has repeated the offence beyond endurance, but, as circumstances permit, to use every other means to bring him to a proper frame of mind.

The Ruler must be certain that those State officers whose duty it is to prepare and submit cases relating to Jagirdars to the Darbar are the most reliable, honest and respectable of his officials, otherwise they inevitably become the cause of trouble. The Ruler must be most careful that the officers concerned with such cases submit the exact and true facts to him without giving them any colouring, and that they do not gain their object by merely putting forward the advantages to be gained by the Darbar in following their advice. He must also see how far these officials consider the reputation and the welfare of the State. For instance,

a certain Jagirdar, has in reality committed no fault, but his case has been put by the officer concerned before the Ruler in such a light as to wrongly provoke his anger on which the Ruler either issues an order contrary to law and justice or causes the Jagir in question to be annexed, an action which, though it may make a perceptible increase in the revenue of the State, spreads general discontent among the body of Jagirdars.

The sum and substance of the advice given above is that

Summary.

consistent mutual friendly relations should be maintained between the Darbar and its Jagirdars; the Jagirdars should render service to the Darbar in such manner that the Ruler of the State shall ever remain their well-wisher and friend, and no chance should be given which may cause the Ruler to entertain doubts and suspicions; for, clearly, the well-being of the Jagirdars lies in creating confidence in the mind of the Ruler and in gaining his trust. The aim of their conduct should be directed to minimizing their Ruler's responsibility by rendering good service and loyal support. The following points may be particularly noticed:—

1. The upholding of the rights of the State.
 2. Where such rights have been lost through the covetousness, ignorance, carelessness and other lapses in State officials, or owing to the minority of the Ruler or even through the Ruler's own carelessness, they should strive to recover these.
- N. B.—By “other lapses” I mean owing to loss of self-respect, disregard of reputation and desire for personal gain.
3. The keeping intact and strengthening the existing relations between the State and the British Government. What these relations are can be judged from the services rendered by the Darbar to the British Government in times of difficulty as, for instance, from the brief account given in “Gwalior's Part in the War,” as well as from the State records. In short we must so act as to be ever ready to help the British Government at any time either with money or men.
 4. Giving such advice in the administration of the State and taking such measures as will promote the wealth and prosperity of the Raj and the Raiyat and augment the reputation of the Darbar.

5. To maintain the regulations, customs and ceremonies of the State (Refer Memo.No. 13 and its 2nd part regarding customs and ceremonies).

Similarly the Jagirdars should not lose sight of the following points regarding the management of their estates, the care of the Darbar's subjects living on their estates, of their own family and of themselves :—

1. The Jagirdars must accord the subjects of the Darbar living on their Jagirs humane, sympathetic and just treatment.

N. B.—That is to say, they must manage their estates properly, not rack-rent their tenants; and make proper arrangements for imparting justice whenever they are invested with judicial powers.

2. They must improve the condition of their tenants and provide for their education, medical attendance and other amenities.
3. They must fully populate their estates.
4. They must educate their children so efficiently as to make them serviceable to the State.
5. They must so invest their money as to improve their material condition.
6. They must perform their private duties and State service with such zeal as will increase their personal and official status.

The different means the Darbar has adopted for promoting the welfare of the Jagirdars have been detailed in Appendix No. 1, but it will not be out of place to briefly refer to them here :—

1. The establishment of the Department of the "Muntazim Jagirdaran" (Superintendent of Jagirdars).
2. The issue of rules and regulations and the publication of a history of the Jagirdars.
3. The establishment of the Sardars' School for imparting education to the Jagirdars' sons.
4. The establishment of a Rajput Hitkarni Sabha and the Maharashtra Hitchintak Sabha.

- 5 The passing of Acts in connection with the revised policy which has conferred permanent rights on persons possessing defective Sanads.
6. The establishment of a Court of Wards.
7. The reduction of the amount of Nazrana payable.
8. The rules for the reward of Jagirdars who have done good service to the State,
9. The establishment of a Conference of the Jagirdars.

20. In conclusion, it is a matter of great pleasure to me to note

Approval of the
new policy by the
Jagirdars and Maj-
liskhas.

that the draft of this policy before its final publication was approved by the Assembly. It was submitted for opinion to the Assembly in which, besides the Members of the Majliskhas, twelve Jagirdars from different parts of the State (who were nominated) were included, in order that after giving full consideration to this policy, they should advise the State upon it. But it is a matter of regret that out of the twelve Jagirdars only six actually attended the meetings. These six Jagirdars after reading through the proposals from beginning to end approved them unanimously. (Refer proceedings of the Majliskhas, Home Department, dated 25th, 28th and 29th July 1922.)

•

APPENDICES.

APPENDIX No. 1.

NOTE

ON THE POLICY PURSUED BY THE DARBAR TOWARDS ITS JAGIRDARS UP
TO THE PRESENT DAY AND THAT WHICH WILL
BE FOLLOWED IN FUTURE.

As Sardars, Jagirdars and other men of position are, as it were, the strong and revered pillars of the State, so the task of laying down rules for the disposal of matters relating to this privileged class must always form an important part in the government of the State. For this reason an attempt has been made in this note to show how matters relating to this class were dealt with in former times and, as time went on, what fresh action was taken regarding it, and what is the aggregate result of this action at the present day.

2. "Zamane Sabika" or "Former times" is an expression denoting a period without limit and hence is ambiguous. It seems desirable, therefore, to divide this period into the following three parts and show what relations existed in each part between the Darbar and this class, and also what alterations have taken place with the march of time.

- (1) Status of the Sardars and Jagirdars, etc., before 1886.
- (2) Relations which existed between 1886 and 1894.
- (3) The improvements and changes in their status which have occurred since 1895.

3. The Sardars, Jagirdars, Thakurs and Darakdars, at this

Period No. 1, before 1886.

time, with the exception of a few eminent and influential members of the class, took no share in the general management and administration of the State; nor were they appointed as State officials.

This class was looked upon purely as a decorative and ornamental adjunct of the State. Or, it may be, that no idea existed that they could be required to discharge important and responsible duties connected with the administration of the State. They were certainly not called on to take a part in the general administration

nor, indeed, were they generally possessed of the ability necessary for transacting such important duties satisfactorily. In the circumstances it is not to be wondered at that they had no such friendly relations with, or attachment to, their Master as is desirable.

For the same reason their Master had no real knowledge of the grievances of this privileged class, nor could its members find an opportunity for placing their grievances before him. That is to say, this class, in comparison with officials and other servants of the State, was as distant from its Master as it was more honourable and of higher status.

4. Applications for the mutation of names, and other State matters connected with these Jagirdars were in the first instance entertained by the authorities of the Pargana or district in which they held their Jagirs and property. Cases for mutation of names remained pending for years in the Pargana. They had to attend the Tehsil court hundreds of times and, after infinite delays, the preliminary enquiry being completed, the case used to be submitted to the Subat court. There also they had to waste time attending the courts for ages until the case ultimately reached the Civil Department of the Huzur Darbar (Headquarters).

The Jagirdars of Malwa suffered from another hindrance as their cases after enquiry in the courts of the Pargana or Zila were sent up to the Sar Suba at Ujjain and thence on to the Civil Department of the Huzur Darbar. It must also be understood that not all cases which reached Headquarters were placed before the Ruler, as in those days differential treatment was accorded in such cases, *i. e.*, certain cases based on the status of the Jagirdar were disposed of by His Highness and others by the Minister of the State. That is to say, after passing through so many courts and after the lapse of so much time it was not at all certain that the complaint would ever—be heard by the Ruler at all.

5. Besides this, there were no rules and regulations in existence for deciding such cases by which it could be ascertained, from the facts of the case, that such and such would be the result. In those times much stress was laid on prescription and long possession whether this was legal or illegal. There were no principles according to which the terms of a Sanad could be interpreted.

The orders in a case depended on the circumstances of the moment; the energy shown by the person concerned, and the

good will of the officers concerned. No attempt was made to see what was actually entered in the Sanad or how much property was in the applicant's actual possession by an inquiry on the spot, or whether the Jagirdar was adhering to the terms of the Sanad or not, and so on.

6. There was no law governing the selection of the rightful heir after the death of the Jagirdar, nor was any attention paid to the problem of how the administration of the estate should be efficiently carried on during a minority.

7. There were no means for determining the income of a Jagir except the list of export and import duties produced by the occupant himself which was considered sufficient for the purposes of calculating Nazrana.

8. A perusal of the following files will show the delay and difficulty that was then experienced in the disposal of cases :—

- (1) File No. 254 of Samvat 1935 (1878. A.D.) regarding the death of Zorawar Singh, Istimrardar of Mauza Balodakuran.
- (2) File No. 49 of Samvat 1931 (1874 A.D.) regarding the death of Thakur Pehlad Singh, Istimrardar, and the mutation of names in favour of Takhat Singh.

A cursory perusal of these files will show that in File No. 1 the Istimrardar died without issue in 1866. A person who was adopted, without the sanction of the Darbar, applied for mutation, but the file was under enquiry till 1873 when the applicant died. Thereupon an application was presented on behalf of the adopted son of the deceased applicant and the enquiry re-commenced; the mutation was sanctioned in 1881, *i. e.*, fifteen years after the death of the late Istimrardar.

In the same way the Istimrardar in File No. 2 died in 1820. His son and wife also followed him to the grave. In April 1872, an application was filed by the real brother of the Istimrardar. After a lapse of twelve years the file of the case was sent by the Pargana official to the Suba. It took twelve years more for the file to reach the Sar Subat and the Darbar Courts from the Suba, sanction being finally given in 1875, for the mutation of the name.

These are instances in which only one applicant died in expectation of getting sanction for the mutation. But there are other

instances on record in which an application was filed by an individual for mutation, the inquiry of which took so long that the applicant died and afterwards, on the heir of the deceased filing a fresh application, enquiry in the matter commenced *de novo*. This enquiry was so prolonged that the heir also died and the mutation was sanctioned only in the third generation.

9. No proper arrangement existed in those days for the education and training of this class and, therefore, not only were they incapable of helping in the administration of the State but they were also totally unfit to understand and dispose of cases arising out of their own Jagirs.

10. In bringing these defects to light it is not intended that fault should be found with the Ruler and officials of those days. And it must be acknowledged that shortcomings and defects of this nature often occurred in most matters in these early times. But as time went on and experience was gained rectifications and improvements were effected where necessary. Therefore the late Maharaja Sahib, after assuming the reins of government, framed certain rules in 1874 in which there is some mention as to relations with the Jagirdars (see Rule 1-8 ; Section 13, Rule 1-5).

Necessary amendments were made from time to time in these rules by issuing orders and circulars (see Circular No. 5, dated the 30th June 1876, No. 6, dated 14th August 1879, No. 3, dated 28th July 1881, No. 16, dated 14th January 1885). Another improvement was introduced by the institution of a Department under the "Sadar Superintendent," established in Samvat 1935, with duties similar to those of the existing Court of Wards. By this means during the minority of Jagirdars the affairs of their estates were conducted under the supervision of the Darbar. But although this Department had been created yet the Jagirdars in general derived no benefit from it, as this arrangement was restricted to particular families, the "First class Sardars." The inspection of the records, however, shows that such management was carried on with mature deliberation and great honesty. As an illustration, please see account of the Jagir of Phalke Sahib at para. 59, which was burdened with a debt of four lacs, that was discharged under the arrangement made by the Court.

11. After the death of the late Maharaja in 1876, a

Period No. 2.

Council of Regency was appointed. It made various necessary improvements in the general adminis-

tration, according to the demands of time, but during the period of Council management no important steps were taken with regard to this particular class.

12. When the Regency came to an end in December 1894 and

Period No. 3.

H. H. the Maharaja took over the control of the State he studied every branch of the administration with great care and his extraordinarily alert, judicious mind devised numerous means for remedying existing defects and generally improving the administration. Among these special attention was paid by His Highness to the improvement and prosperity of this privileged class which will be evident on perusal of the following pages.

13. The points to which His Highness' first and foremost attention was directed with regard to this class were these. Though the State was possessed of a very large number of Jagirdars, etc., no proper arrangements existed for the training of this special class, neither was their general condition satisfactory, nor were they useful to the State. His Highness in course of time also learned that some of them, although they were Jagirdars and Tankedars of the State, yet refused to acknowledge the Darbar as their Suzerain, as for instance Shivpur-Baroda, who failed to attend on H. H. the Maharaja when he visited Shivpur-Baroda, and also those "guaranteed" Thakurs in the affairs of whose holdings the Darbar was allowed no power to interfere. This naturally led the Maharaja to inquire into the history of this class; *i. e.*, what were the origins of these families, the purpose for which they were in receipt of certain grants from the State and also what were the terms of their Sanads and obligations as between them and the Darbar; what were the respective rights and powers of the Darbar and the Jagirdars in the villages held by them, etc., etc. It was, however, impossible to find definite and satisfactory answers to these questions in the records of the State. The Maharaja had, however, expressed the opinion that the existing rules and regulations were, in view of the necessities of those days, inadequate and incomplete and that every department of the administration needed to frame fresh rules. As regards matters concerning the Jagirdars the rules of 1874 were found to contain only a few instructions, in one section, regarding the affairs of this class. Besides this the district officials, in practice, took no notice of orders and circulars issued from time to time on the subject. All these facts led to the conclusion that a measure must be

enacted regulating the disposal of cases concerning the Jagirdars and Mansabdars, a special official being appointed to deal with such cases under the law and also give reliable advice in matters relating to the persons, property and families of the Jagirdars, and thus secure their welfare.

It was also considered desirable to prepare a book which, besides furnishing replies to the questions mentioned above, should also furnish information as to the family of any particular Jagirdar.

14. It is obvious that the framing of these rules and preparation of a history of the Jagirdars was no simple task, to be completed off-hand. Besides the mere collection of historical information and examination of old records, it required careful thought and much perseverance.

This work was taken up in the year 1897 and completed in 1913, and accordingly two publications were issued entitled "Rules for Jagirdars" and "History of the Jagirdars."

Before the issue of this "Rules for Jagirdars," however, separate orders had issued from time to time. This work was specially entrusted to Colonel Pitcher, to prevent the delay in the disposal of cases which obtained in early days. After this in the year 1906 a separate section was first created in the State Political Department for this purpose which examined cases of this kind and submitted them to the Darbar an Under-Secretary being appointed in charge of this section, to ensure proper examination and rapid disposal. Finally in 1908 a separate department under the name of "Muntazim Jagirdaran" (Superintendent of Jagirdars) was established. From the preface at the beginning of the "History of the Jagirdars" an idea can be had of the honesty of purpose and personal solicitude which every far-sighted and sympathetic Ruler should exercise in dealing with his feudatories.

The establishment of the Department of Muntazim Jagirdaran in addition to the adequate arrangements referred to above, removed another cause of irritation, as it obviated the attendance, formerly required of members of this class, at the ordinary district offices, which lowered their dignity.

This department now entertains cases of every class concerning the Sardars, Jagirdars and Mansabdars and has saved them from

infinite trouble and perplexity, and opened the door of direct intercourse between them and His Highness the Maharaja. (*Vide* Section 103, Chapter 26, "Kawaid Jagirdaran.")

15. How anxious and desirous His Highness the Maharaja is to improve the general condition of this class, by making their estates prosperous and training them to be useful in their own estates, can be easily gathered by the perusal of some instructions which were issued to the Muntazim Jagirdaran, at the time of the creation of his Department, for his guidance :—

- (1) It will be the duty of the Muntazim to arrange for the formal visits of the Jagirdars and present them to His Highness.
- (2) If a Jagirdar desires to avail himself of the good advice of the Muntazim Sahib in any case, that officer should tender proper advice. The Muntazim also has power to offer advice on his own motion on cases in which questions of gain or loss to Jagirdars is involved.
- (3) The Muntazim should try to settle all disputes among estate shareholders and relations and should, when necessary, secure the Darbar's orders in such matters.
- (4) He should for the benefit of the estate give advice in cases relating to public works, land records, etc., in accordance with the proper principles applicable in such matters.
- (5) The Muntazim should do his utmost to send the sons and relations of the Jagirdars, who are of school-going age, to State or private schools according to the status of the estate.
- (6) He should see that the estate-holders and their servants take such preventive measures against the spread of epidemics among people and cattle as is obligatory on them.
- (7) In times of famine he will tour in the estates and according to necessity open relief works as laid down in the Famine Code, and take other measures, so that the people in the Jagirs may be saved from distress, etc.

16. As mentioned above, in former times much stress was laid on prescriptive rights and actual possession. Sanads and the terms of the Sanads were not generally taken into consideration. Such

being the case, people often took advantage of this and seized villages without having Sanads, and also did not perform the services, which according to the conditions of the Sanad, they were required to perform and for which the grants were made to them, while sometimes, owing to the change in the method of administration, such services were then no longer required of them. When, therefore, such cases came before the Darbar for mutation of names it was evident that there was no other alternative but the confiscation of the Jagir. Accordingly many confiscations were effected owing to defective Sanads.

17. After many confiscations had thus been made His Highness, with his usual honesty and foresight, decided that it was desirable to do something to preserve and secure the welfare of Jagirdars and so prevent the degradation of this class, which would still in no way affect the principles laid down regarding defective Sanads. Hence the rules of "Jadid-ul-usul" were introduced (See File No. 0. Papers relating to Jadid-ul-usul.) Jadid-ul-usul is dealt with at length in Chapter VIII, Section 42 of "Rules of Jagirdars." The policy of Jadid-ul-usul is this. Those Jagirdars whose villages are liable to confiscation on account of their possessing defective Sanads, and the owners of estates which are likely to be annexed at the next mutation of names, may, according to this policy, continue to enjoy the same honours and position which they are entitled to as Jagirdars, on payment of 50 per cent. of the estate income to the Darbar. On such payment their Jagirs are made hereditary and are considered as having passed down regularly from generation to generation.

18 It is a characteristic of human beings to look at the actions of others with irritation and suspicion. Such suspicion is usually born of ignorance of facts or is sometimes the reflex of a perverted imagination, or the offspring of the critic's irritation. Whatever the reason, this benevolent and kindly action of the Darbar was taken in an altogether wrong light by a certain group of persons, who are even now labouring under the misapprehension that in time to come all these reforms will prove to be mere dreams. It is most probable that the Jagirdars as a class look upon the Darbar's treatment of them as a specious device and the policy of "Jadid-ul-usul" as a lure designed ultimately to obliterate them from the face of the earth. It is really surprising that people holding such views should be met with in these civilized days. An obvious answer can be given to these persons, *viz.*, that all

worldly activities are based on mutual trust. So when a Ruler, without using compulsion, does something for the benefit of his subjects there is no reason why he should not be trusted. Moreover, it must be remembered that laws, public opinion, and moral obligations are what strengthen and stabilise a country. Injustice and disregard of principle are generally in the case of the public, and inevitably in the case of a Ruler, not simply the cause of their being defamed but are below their dignity as well as destructive of their honour. Insane people apart, reputation and respect are costly jewels with which any intelligent man who possesses them would be most unwilling to part. Time has given proofs innumerable of the fact that the laws of a country, public opinion and moral obligation under no circumstances permit any one in authority to act contrary to established principles. And if any one in authority disregards such principles, the result will be as mentioned above. It must be recollected that in the Gwalior State there are not only Jagirdars and Inamdars who were granted Jagirs by the family of Scindia but also those who received Sanads either from the Mughals or others or who obtained possession of land in the time of the Mughals. Since the family of Scindia recognised these Jagirs on the authority of such Sanads, why should not similar recognition be accorded in future to grants made by the present ruling family?

19. Another strong argument can be put forward in support of the fact that the policy of Jadid-ul-usul was never intended to secure unreasonable benefit to the State, but was introduced simply to stabilise and continue the existence of these ancient families. Suspicious objectors may say that the policy of Jadid-ul-usul is not due to the Darbar's consideration for them, the secret object being to obviate the possibility of agitation among the Jagirdars as a result of the confiscation of estates and also to prevent the spreading of ill repute abroad against the State. To this a fitting answer is that those Jagirs which could have been confiscated by the Darbar in accordance with the new rules, on its finding their Sanads defective, were continued, on half of their former revenue, and it was made known far and wide that the Darbar had instituted this compromise in all consideration and kindness there being no hidden object behind this policy. A cursory view might perhaps find some reason for this objection, but, as a matter of fact, this objection is groundless.

Thus Maksudangarh was not a "guaranteed" estate yet the British Government took charge of its affairs. While matters stood

thus the last Chief of Maksudangarh died. He left no issue and had not adopted an heir. The Government of India then, as an act of justice, decided that the Darbar had a right to claim the estate in escheat. Had the Darbar then been bent on escheat there was nothing to prevent this course. But this is not the policy of the Darbar. Bound as the Darbar is to abide by law and justice it invariably gives proofs of its magnanimity by tempering law and justice with kindness. Hence to preserve the Maksudangarh estate permission to adopt an heir was granted. The estate was dealt with according to "Jadid-ul-usul" rules, the original family retaining possession. In addition to this, great consideration was shown towards the Chief by an order whereby only Rs. 25,000—a sum less than 50 per cent. of the revenues—was ordered to be taken during his life-time. Moreover, it was arranged that tribute from the sub-Jagirdars of the Estate when amounting to 50 per cent. was also to be credited to the Estate.

20. Taking these facts into consideration are there any real grounds for the objections raised against this policy? Why did the Darbar maintain Jagirs in which its right to escheat was recognized by the Government of India and other Jagirs which could have been confiscated under these rules, even to its own loss? The cause of this is that the Darbar in its consideration for these people could not bear to see families which had borne the titles of Raja and Jagirdar for generations together, deprived altogether of their honours and position.

21. At all events the fact remains, that the general application of this new policy of Jadid-ul-usul has proved highly beneficial to those Jagirdars whose holdings would otherwise have been confiscated for lack of Sanads or the possession of defective documents and who consequently would have been reduced to the status of ordinary cultivators, but have thus been saved by the Darbar's issuing them new Sanads. This generosity of the Darbar should be held by them as a God-sent benefit beyond all expectation, because besides strengthening their present position the Sanads assure them immunity from escheat on occasions of future succession and secure them hereditary possession of their estates, from generation to generation.

22. Along with the policy of Jadid-ul-usul, His Highness introduced, for the convenience of the Jagirdars, a plan by which pecuniary losses of the Jagirdar caused by the operation of the policy of

Jadid-ul-usul could be made good. Thus those Jagirdars whose estates are governed by the Rules of Jadid-ul-usul can in addition to the public services mentioned in Article 43 A of the "Rules for Jagirdars" render such other services as they are fit to perform being remunerated by an allowance or salary from the Darbar. By this means they not only make good, to a certain extent, their pecuniary losses but also come into personal touch with His Highness and simultaneously acquire experience useful in the management of their estates. Besides thus gaining honours for themselves in the public estimation by nomination to posts under the Darbar, they also do good indirectly by setting an example to others of their class, who, through insufficient education and lack of business training, are lagging behind, but who might then endeavour to emulate their more fortunate compeers and try to become useful citizens like them.

If the Jagirdars will reflect with impartiality on the advantages they have gained by the compilation of their history and the introduction of rules as well as by the creation of a special officer, the Muntazim Jagirdaran, the real facts of their position will be revealed to them.

23. Viewed at the Jagirdar's angle of vision the most important cases are those of mutation of names, adoptions and the payment of Nazarana. At the time when no fixed rules were in existence such cases were settled according to the idiosyncracies of the officials of the day. When a Jagirdar had a legal heir there was no alternative but to sanction the mutation, but in cases of adoption the position of the applicant and the idiosyncrasy of the official used to play an important part. By the idiosyncrasy of the official, which had so much to do in such cases, it is not insinuated that permission to adopt was given to persons who had no right to succeed ; what is meant is that on certain occasions the legal rights of the Darbar were overlooked, as for instance when Hakim Ahsan Ali died without any heir. On the submission of the application for mutation of names by his adopted son the Member concerned, without even waiting for the results of the enquiry by the district officers, recommended acceptance and the Council sanctioned the mutation, no Nazarana being taken, which, as a matter of fact, ought to have been taken, the applicant being an adopted son. (See File No. 112 of Samvat 1947.)

24. Another instance, that of Angre Sahib, may also be quoted. Sardar Apa Sahib Angre died without issue. He had not adopted any one during his life-time, but Ram Rao Sahib Garud, a relative of his, had been living with him for some time. After the death of Angre Sahib the choice of his wife fell on a boy belonging to her own family and she applied to the Darbar for permission to adopt him. At that time Garud Sahib raised an objection and put forward his own claims. Though the Council's decision was not given in favour of Garud, this instance is quoted to show that in the absence of necessary rules in this connection, a collateral, such as Garud, could apply for adoption basing his claim for adoption on mere connection with the Angre family. (See File No. 73, Samvat 1973, Adoption in the case of Angre Sahib.)

On the introduction of the rules for Jagirdars the idiosyncracies of officials, on the one hand, ceased to play any part in such cases, and, on the other hand, nobody now desires to prolong cases by putting forward frivolous objections of this nature.

25. Though there was no uniformity as to the payment of Nazarana before the introduction of the Rules for Jagirdars yet in cases where an heir was adopted, one year's income was generally levied as Nazarana, but besides this, Nazarana was taken on certain other occasions also. In accordance with the rules all kinds of Nazaranas were remitted except that payable on adoption when one year's income was taken. But the Darbar finding that in such cases the Jagirdars would run into debt in paying one year's income in a lump sum or even by instalments, thus necessitating the taking of a loan, which is inadvisable, the Darbar reduced the demand for Nazarana to one fourth of a year's income instead of a full year's revenue. This was done simply with a view that the Estates might not be burdened with debt. (See Case No. 108 of Samvat 1977 of Jagirdars).

In the existing rules all details regarding heirship have been explained and a glance at them will show that these rights have been made so elastic that only on very rare occasions can a Jagir lapse.

A remarkable change has taken place in the troubles and difficulties which had formerly to be overcome in approaching Pargana Officers, Subas, Sir Subas and the Darbar, because the presentation of Sanads, their acceptance by the District Officers and their comparison with the Darbar records were very difficult of accom-

plishment. The true nature of these difficulties could only be fully understood by those who had occasion to overcome them.

26. On the occasion of mutation of names in the Mandawadi Estate the Sanad was sent for but the Jagirdar could not produce it. The very object of the framing of rules and regulations is that all persons should be treated on one and the same level and that there should be no diminution or augmentation of the rights either of the State or the person concerned and hence the only possible issue in the case of Mandawadi was the confiscation of the estate. The Darbar had, therefore, to issue orders for the escheat of the Jagir but the village was left in the possession of the successor of the deceased Jagirdar on condition that he paid the full assessed revenue. By a lucky chance the Sanad was afterwards found on which the Darbar immediately restored the Jagir together with the amount which the Jagirdar had paid in revenue as an ordinary tenant. (See Administration Report of Samvat 1969, Page 9.)

27. The complete history of each and every family of the Jagirdars is now available, a full account being kept regarding all grants, while copies of Sanads are filed with the records. All information regarding the number of villages, their names, area, revenue and other sources of income in which either the Darbar, the Imperial Government or any other party is interested are also shown in abstract.

The history of the Jagirdars, in short, is an exhaustive record of everything relating to this class comprising their genealogical tables, honorific styles and titles and customary payments, and the ceremonies to be observed on occasions of joy and sorrow, in conformity with old precedents. As all these entries have been accepted by both sides it is a very useful guide and safeguards the interests of both parties obviating the danger of disputes.

28. In the same way the creation of a "Muntazim Jagirdaran" whose duties were fully described on page 25 has likewise proved very beneficial in those estates in which, through mutual animosity and the presence of self-seeking and sycophantic counsellors, chaos, mismanagement and poverty prevailed, as the appointment of an experienced officer, who combines in his person the qualities of a well-wisher and adviser, has restored peace and tranquillity.

29. Those Jagirdars who prior to this had no opportunity of personally appearing before their Master to pay their respects on

ceremonial occasions or ever expected to be able to approach him in person, can now approach him through the Muntazim Jagirdaran and lay their difficulties before him and can thus benefit by direct contact with their Ruler.

30. An opportunity is also afforded once a year when all the Jagirdars and Mansabdars are invited to assemble at Gwalior, where they have access to His Highness, and also derive benefit by coming directly into contact with State officials and holding friendly intercourse with them and also with others of their own class. This gathering takes place on the occasion of the Birthday Darbar of His Highness.

31. This occasion is not intended merely for the entertainment of the Jagirdars or for enhancing the magnificence of the Darbar, its real object being to hold the annual meetings of the different Associations which have been formed for watching over the prosperity and improving the position of the Jagirdars, when discussions on the best means to attain these ends are held. In addition to the advantages resulting from the work of these Associations, they derive great benefit by the interchange of ideas, for, living as they do far away from big towns and lacking education, their general knowledge of affairs is very limited.

32. Before describing the formation of these Associations and their objects, it is desirable to give a brief account regarding the education of the Jagirdars. Even in Western Countries, where the percentage of educated people is far greater than in other parts of the World, the agriculturists and the populations of the country-side are backward in education as compared to those in the big towns India being pre-eminently an agriculturist country it is not surprising that the population in villages should be backward in education. Without considering the general reasons for this deficiency in education, the important point is that the Jagirdars never turned their thoughts to education though there were means and they could have acquired it. Hence to remove this deficiency a Sardars' School was started in Gwalior in 1897.

33. To the Sardars' School the sons of Sardars and Jagirdars alone are admitted. Since it is intended to bring up members of this class so as to be in every respect fitted for the duties of their position, besides book-work, arrangements are made for giving them military training, teaching them games and other forms of

recreation, and instructing them in etiquette. All the materials necessary for their education are provided. When the School was started only the sons of Sardars living in Gwalior itself attended the School. The expenditure at that time amounted to Rs. 18,000. But gradually the Jagirdars were persuaded to send their sons and the number of pupils on the roll rose to 65, expenditure increasing to Rs. 80,000. For several years now the number of Jagirdars' sons who come from districts predominates among the students. It was undesirable for students coming direct from country districts to start living at the capital unassisted, and hence the State from the very beginning took charge of the management of their lodging and board, a suitable fee being charged to meet this expense. Many Jagirdars can ill afford to bear the expense of this education. But this is not allowed to prevent their admittance to the School, as they are enrolled as free students and, as such, are supplied with board, lodging, furniture and a horse, free of charge.

Eighteen sons of the "guaranteed" Jagirdars also passed through the School.

Raja Kalak Singh Sahib of Kanyadhana also received his education in this School.

34 This education is not restricted to the Sardars' School. Promising and energetic boys, besides receiving education in a branch of the administration, are sent outside the State to study particular branches of knowledge at the State expense. For instance, the Kunwars of Agra Barkhera and Umri were sent to Kheri Lakhimpur in order to learn estate management. Of the sons of Sardars, Mahurkar and Apte, one was trained in agriculture and the other in veterinary science. (Administrative Report, Samvat 1970, page 4.)

In fact the Darbar, in its far-sightedness, is doing its utmost to educate this class. In response to the Darbar's guidance and help the Jagirdars are now voluntarily seconding these efforts. The management of the Sardars' School is vested in a Governing Council on which Jagirdars sit as members.

35. It will be interesting to quote some extracts from some of the speeches of His Highness, as they will give a true idea of the Maharaja's intentions towards his feudatory Jagirdars.

"I look upon my feudatory Jagirdars as the strong arms of this State, but they can only be helpful to me in my administration if they

make themselves efficient by being educated. They are apt to consider their seats in Darbar as sufficient proof of their value and position, but unless they acquire capability to take their share in the management of the State they can fitly be compared only to ornamental baubles placed to deck out a Drawing-room.

"A comparison between the nobility in Eastern and Western Countries will show the great efforts made by the peers of England to render themselves worthy and the great interest they take in all political and social reforms and other public matters. It is a cause for regret that no efforts are made in India, save in purely selfish interests, which is most detrimental to her.

"If the Sardars, Raikes, Thikanadars and other loyal subjects of the State become educated, this, besides augmenting their own prosperity will, by their taking part in the administration of the State, lighten my burden and give me an opportunity for rest." (Kindly see Speech, dated 10th November, 1911, delivered on the occasion of the Meeting of Governing Council, Sardars' School.)

"It is my special desire that the Jagirdars should take part in the administration of the State. Possessing, as they do, landed property throughout the State they would take that keen interest in the administration which is impossible for others." (Speech delivered by His Highness on the occasion of his Birthday ceremony, dated 3rd November 1913.)

36. Marriage, birth, death and similar ceremonies whether they relate personally to the Jagirdar or merely to members of his family generally embarrass and often ruin him. Many cases have come to light in which, owing to such embarrassments, Jagirs, houses, jewellery and even the dwelling place, had to be mortgaged. In order to put a check on this extravagance, to spread education and to promote matters both social and religious, two associations, the "Rajput Hitkarini Sabha" for Rajput Jagirdars and the "Maharashtra Hitchintak Sabha" for Maratha Jagirdars, were established. The object of these two Sabhas is to effect the abolition of unnecessary expenditure and to restrict the cost of such festivities conformably to the Jagirdar's status and income. On the advice of the Advisory Committee, Rules regarding the "Rajput Hitkarini Sabha" were brought into force as early as 1905; but until the appointment of the Muntazim Jagirdaran the objects and advantages for which it worked were not attained. These rules not only contain advice as regards

ceremonies but also include a table of expenditure laying down the amount which the Jagirdar should spend on every occasion of marriage, death, etc., with due regard to his income. These rules are enforced, as far as possible, through the Darbar and its superior officers. The result of this is that at any rate those Jagirdars who are under the control of the Court of Wards are not burdened with unnecessary expenses.

37. "The Maharashtra Hitchintak Sabha" was established in 1917 and in this as well as in the Rajput Sabha the Jagirdars themselves work as members and officers.

38. In addition to these Sabhas a "Conference of Jagirdars" has also been established, and it will not be out of place to mention some of its chief objects. The objects are:—

- (1) To submit to the Conference all such proposals as might promote the prosperity of the Jagirdars. For example, proposals regarding improvements in agriculture, increase of population, greater production of valuable crops, the extension of irrigation, the use of implements of agriculture, and the breeding of cattle, etc.
- (2) Proposals for extending trade, the establishment of factories and the opening of new markets.
- (3) Proposals for mitigating the burden of paying heavy arrears of State dues.
- (4) Any ameliorating proposal relative to Jagir lands and the State, etc. (File No. 49, Samvat 1976, Muntazim Jagirdaran.)

39. The object of a reference to these institutions is to show the great advantage gained by the summoning of the Jagirdars on the occasion of His Highness' Birthday. It has already been pointed out that the Jagirdars act as members on the Governing Council of the Sardars' School, all questions of general interest being decided with their advice. These Jagirdars are also the members of "Rajput Hitkarini Sabha" and "Maharashtra Hitchintak Sabha," while the "Conference of Jagirdars" is formed solely by the Jagirdars. For all these meetings both the members and clerical staff have to be present, and, since it would have been troublesome for them to meet constantly at the Capital, the annual meetings of these institutions are thus fixed at a time when besides members, outsiders can

also take part in the functions while attending the Birthday Darbar of His Highness.

40. There is, moreover, another convenience resulting from this. Some of the guaranteed Thakurs receive cash payments ("tanka") from the Darbar, but there was no fixed scheme for its payment. The payment was made in instalments and different modes were adopted in different cases. For instance, some of the guaranteed Thakurs received their "tankas" directly, some through Political Officers, while others were paid directly on demand being made to the Darbar by the Political Agent. The demand for payment of the "tanka" by the Political Agent was not due to delay in remitting the amount in time, but such was the procedure. The Darbar, therefore, issued orders to the effect that the payment of "tanka" should be made once a year through the Muntazim of Jagirdars. Hence, as all the Thakurs generally come to Gwalior on the occasion of His Highness' Birthday, the money due on this account is then disbursed to them. If any Jagirdar is unable to attend the Darbar in person his dues are paid to his Kamdar. (See Administration Report, Samvat 1969, page 8.)

Hence the great advantage of summoning the Jagirdars to the capital once a year is obvious.

41. It will not be out of place to give a short account of His Highness' justice and equity in dealing with specific cases.

(1) When the question of re-organizing the excise arrangements of States in Central India was taken up it was essential to secure the object in view that similar arrangements should be introduced in the Jagirs. By the terms of their Sanads most Jagirdars had no rights in the excise income. But irregularities were common, and among them it was customary in many Jagirs for the Jagirdar to take the excise revenue as of right. In connection with the introduction of this new system it was open to the Darbar to close Jagir distilleries, and to make such arrangements as were desirable. But such procedure being contrary to the recognized administrative principles of His Highness, a Committee was appointed by the Darbar. This Committee after working continually for four months and after ascertaining the number of the *jagir* liquor shops and assessing their income by means of Departmental enquiry, as well as from documents, from the Jagirdars, from the terms of the Sanad, and from custom, proposed the grant of compensation, which was invariably larger than the actual income shown by the Jagirdars. This was

sanctioned unhesitatingly by the Darbar. At present the amount of compensation disbursed every year comes to Rs. 37,800. (Report, Excise Compensation Committee, dated 24th November 1923.)

(2) It is a matter of general knowledge, that, in Malwa, Poppy cultivation for opium was in great predominance, it being a most valuable crop the Malwa soil being famous for its fertility. The restricting of opium-poppy cultivation caused the Darbar a large permanent loss of annual income. From the same cause, many Jagirs in the State suffered similar loss according to their size and condition. The Government of India generously compensated them by a grant of Rs. 47,89,534-10-6 based on the area under opium-poppy cultivation and the income of the Jagir. Under these circumstances a selfish administration might well have come to this decision, that being permanently deprived of a very large annual income, to what extent does the question considering the claims of others in this small compensatory payment arise? But such are not the Maharaja Scindia's principles. As soon as the compensation was received His Highness gave orders that proportionate shares should be paid at once to Jagirdars out of this sum. To effect this, an enquiry regarding the area under poppy cultivation in both Khalsa and Jagir territory was instituted to ascertain the shares, and figures of area and income for the preceding 18 years were collected from the Revenue and Land Records Departments. In accordance with these figures compensation was distributed and the respective shares of the Darbar and the Jagirs were ascertained. The average cultivation in the Jagirs was then calculated, differentiation being made between the area-produce in Prant Malwa, Prant Gwalior and Prant Isagarh, because one **higha** in Isagarh and Gwalior does not yield as much as in Malwa. In short after a full and detailed scrutiny the amount of compensation, **viz.**, Rs. 6,43,629 was disbursed. (File No. 71, Samvat 1973, Confidential Political Department, and Administration Report, Samvat 1976, page 77.)

(3) Every one will admit that Public Works of utility such as the opening of hospitals and schools, the construction of roads and railways and the sinking of wells, building of tanks, etc., are essential for the prosperity and well-being of the State. But together with the opportunity and necessity of carrying out such works, there arises the question of money generally. Where money is available an estate, just like the State, can undertake works of this nature to its advantage. The difference in the position of an estate and the State in such

cases lies in the fact that if the estate is unable to bear the expenditure necessary for a road or a school, which is essential for it, in view of the mutual advantages to be derived, the Darbar itself provides the funds required. Thus the Pahargarh Jagir is situated in the Sheopur District where there is a great paucity of water. Since there was every probability of the district becoming prosperous on the provision of adequate means for irrigation, the Darbar ordered a dam to be constructed. A large area in the estate was in consequence to be submerged, and His Highness, not considering the advantages to be derived from the dam, a sufficient compensation for the lost land, was pleased to grant a sum of Rs. 75,000 as compensation to the Jagirdar. (See File No. 18, Samvat 1976, Irrigation, Home Department.)

(4) By granting similar concessions in the case of the Jagir of Panbihar His Highness has given proof of the solicitude which he always entertains towards the Jagirdars.

(5) The Jagirdars always contribute to the Darbar cesses, such as the road and school cesses, levies, which have been State rights from time immemorial. In times gone by the Jagirdars, even when able to do so, neglected to carry out such works of utility and hence according to necessity, roads were constructed by the State and a certain amount on account of upkeep was recovered from the estates annually. Among other Jagirdars the road cess used also to be recovered from the Estate of Sardar Bala Sahib Sitole. But the Sardar Sahib having spent a large amount in the construction and maintenance of roads in his estate, the Maharaja, in appreciation of this, remitted the cess in the interest of justice, and also issued a general circular remitting recovery of road cess from all Jagirdars who construct and maintain roads in their estates at their own expenses. (See Misal No. 19, Samvat 1969, Muntazim Jagirdaran.)

42. Since the appointment of the Muntazim of Jagirdars hundreds of big and small cases of all kinds have arisen, in which the Muntazim Sahib has assisted the Jagirdars with good advice, whether they sought for it or not. In deciding according to the Rules such boundary disputes as arise between the Darbar and the Jagirdars or between the Jagirdars themselves the rights of the Jagirdars are given equal consideration with the rights of the Darbar.

43. Formerly the Jagirdars were for the most part uneducated but the efforts of the past ten years have led to the result that no boy of school-going age is now allowed to remain idle at home.

44. Experience shows that it is essential to make tours in order to ensure that the administration should be a success as many matters never come to light if an official merely remains at Headquarters. The making of an annual tour is one of the duties of the Muntazim of Jagirdars, who is expected to decide such cases as arise, methodically. The Muntazim of Jagirdars, in accordance with these orders, disposes of numerous cases in the course of his annual tour.

To give a full list or details of such cases would be superfluous but a few may be mentioned here. In Samvat 1973 (1916 A. D.) the Muntazim of Jagirdars remained on tour for three months and in course of this he disposed of many intricate cases in seven estates. (Administration Report of Samvat 1973, page 12.)

45. Methods adopted to save the Jagirdars from unnecessary and improper expenditure have already been described above. The general financial condition of the Jagirdars was very bad and money was required to improve the condition of their estates and people. The Darbar, therefore, made suitable arrangements to cope with this, by granting loans to the Jagirdars from the State Treasury through the Muntazim of Jagirdars on terms and interest far more favourable to them than those granted by Sahukars. Every year over Rs. 1,00,000 are thus given on loan. The total sum granted on loan to the Jagirdars between Samvat years 1966-1974 (1909-1917 A. D.) amounts to over 12 Lakhs. (Administration Report from Samvat 1967, page 10.)

46. For the welfare of the Jagirdars His Highness has issued an order that every Jagirdar whose annual income exceeds Rs. 10,000 must submit to the Darbar, through the Muntazim of Jagirdars, an Annual Administration Report of his Estate. As His Highness has afforded every Jagirdar an opportunity for a personal interview at his capital once a year, on the occasion of his Birthday, so also a Jagirdar has an opportunity, through this report of laying before His Highness once a year the condition of his Estate and the difficulties met with in its administration. But it is a matter of sincere regret that the Jagirdars have not taken advantage of these orders as they should. The reasons for this cannot be ascertained for certain, but one reason appears to be this, that the Jagirdars consider this calling for the annual report an interference on the part of the Darbar with their official and

private status. If it be so, surely it is very narrow-minded of them.

47. It is the genuine desire of the Darbar to promote the general welfare of the Jagirdars and the orders issued in their cases are directed only to their advantage. But from the behaviour of the Jagirdars it is clear that, in spite of His Highness' infinite consideration, they yet regard many actions of the Darbar with suspicion.

48. In the case of estates which are overburdened with debt of which the discharge has become impracticable, as soon as such conditions come to the notice of the Darbar they not only assist with valuable advice but devise in proof of their liberality, means for the relief of the estate. For instance :—

- (1) The Darbar recovers Rs. 10,000 annually on account of "tanka" from the Karhaya estate. Similarly Rs. 1,217 were recovered from Imlikheda Jagir in Pargana Nee. much. Both these estates were heavily burdened with debt. The Darbar, therefore, with a view to assist them were pleased to order the recovery, in the case of Karhaya of Rs. 1,000 annually instead of Rs. 10,000 on account of "tanka," and in case of Imlikheda by remitting the amount of "tanka" until the debt has liquidated. (Administration Report of Samvat 1970, page 3.)
- (2) The Balod Estate was in debt to the extent of Rs. 10,441 of which, considering the income of the estate, the discharge seemed impracticable. Besides this Sardar Rao Raja Sahib received from the estate a sum of Rs. 873 annually under the head of "tanka." His Highness with a view to assist the Jagirdar ordered the recovery of Rs. 73 only annually on account of "tanka" the balance of Rs. 800 being paid to the Rao Raja until the discharge of the debt. (Vide Administration Report of Samvat 1970, page 3.)
- (3) The Estate of Imlikheda, owed Rs. 12,160 to the Darbar on account of "tanka" due and to money-lenders a little over Rs. 7,000. The resources of the estate did not permit, besides meeting its other expenses, the repayment even by instalments of the loan due to both the creditors. His Highness, therefore, remitted the amount of the

balance of the "tanka" due to the Darbar and ordered that until the debt to the money-lenders was repaid the amount of "tanka" should not be recovered. (*Vide* Administration Report of Samvat 1969, page 7.)

- (4) His Highness also ordered the recovery at 40% instead of 50% of the 'tanka' due by Chhadawad Estate for one generation.
- (5) Similarly a reduction has been ordered in the "tanka" payable by Loharia.

In view of the examples of His Highness' consideration there seems no reason whatever for the Jagirdars to suppose that, having shown the Darbar, by means of their annual reports, what their condition is, the Darbar would not find means to remove their difficulties.

49. There was no special procedure laid down for the settlement of revenue, civil and criminal cases lodged by people living in the Jagirs while the methods employed in their decision involved great trouble to the parties. The first class Jagirdars and Sardars usually lived in the Capital and their Kamasdars and Kamdars, who lived in their Jagirs used to settle most cases on their behalf, without duly observing the rules and regulations formulated by the Darbar. Some cases used to be decided by the Jagirdar himself, but criminal cases of a serious nature were heard and decided by the State Courts. The public received no justice in cases decided either by the Kamdar or the Jagirdars as both were ignorant of law. In cases which were lodged in the State Courts the presence of the parties during the course of the inquiry was essential. When they attended the Courts their agricultural work suffered while if they did not attend they lost their cases. By this procedure on the one hand the Darbar's subjects were in every way harassed, while on the other, the rights of the Darbar were disregarded.

50. The "Rules and Regulations for the Jagirdars" now lay down that all rules and regulations issued from time to time for the guidance of the State Courts must be followed in the Estate Courts also, so that the cases of people living in the State or on its estates should be decided on one principle. The other difficulty, that of the parties attending the courts, was removed by His Highness, by granting revenue, Civil and Criminal powers to the Jagirdars on certain

conditions. Those Jagirdars who show their intelligence by introducing the Zamindari or Raiyatwari system of settlement into their estates and whose minimum annual income amounts to Rs. 5,000 are invested with those powers.

The Jagirdars may themselves exercise the powers granted by the Darbar or, with the permission of the Darbar, may transfer them all or in part to their Kamdars or Kamasdars; provided these officials possess the ability to exercise them. But in either case the Jagirdars are alone responsible for seeing that justice is imparted to their subjects.

Thus the Jagir Courts are considered as part of the State Courts and the usual expenditure, including the pay of the establishment, is met by the Darbar to whom all the judicial income belongs as of right. But the rights of such Jagirdars as are accorded Civil and Criminal powers by their Sanads are not interfered with. (Rules for the Jagirdars, Sections 66-67.)

51. The First-class Jagirdars, with an income of Rs. 50,000 or over, in accordance with the rules can be invested with First-class magisterial criminal powers, and a Subordinate Judge's civil powers, and the highest Revenue Official's powers in Revenue matters, provided in the last case that in accordance with the revenue law of the Darbar, they observe the rules and regulations laid down by the Darbar, including those of the Zamindari and Raiyatwari settlement.

52. The concession mentioned above besides adding to the dignity and respect of the Jagirdars also increase the ease and comfort of the subjects of the Jagir.

53. His Highness has laid down special procedure, befitting their dignity and status, with respect to the matters affecting the Jagirdars personally. Such cases generally belong to the following three classes:—

- (1) Criminal cases.
- (2) Civil cases.
- (3) Disputes regarding the maintenance of relatives.

For the decision of cases referred to in No. 1 and 2 there use formerly to be no other course open except reference to the ordinary Courts. Those families who were sensitive of their good reputation had cases of the class referred to in No. 3 settled by a "Panchaya"

formed of their equals. Since the "Rules for Jagirdars" were brought into force all cases regarding the maintenance of relations have been transferred to the Muntazim of Jagirdars for decision. But in Samvat 1975 (1918 A.D.) His Highness having modified these directions ordered that the Muntazim of Jagirdars, should transfer such cases back to the Jagirdars, so that the Jagirdars could themselves decide them, following the principles laid down in the Rules for Jagirdars, thus tending to maintain friendly relations among the members of the same family, and minimise differences. (Misal No. 35, Samvat 1975.)

In civil matters it was the practice, in the execution of decrees passed by the ordinary Courts against the Jagirdars, to attach their estate or personal property. On the first introduction of the Rules for Jagirdars on presentation of the application for the execution of the decree, the Muntazim of Jagirdars was informed by the Court under section 93 of the Rules for Jagirdars. He then tried to effect a compromise between the decree-holder and the Jagirdar. Hence, since this Act was introduced not a year has passed without a number of such cases being decided amicably.

54. But in Samvat 1975 (1918 A.D.) this procedure was modified by the Darbar by an order to the effect that as in the settlement of disputes regarding the maintenance of relations, the Muntazim of Jagirdars, on the receipt of the correspondence from the Courts regarding the execution of a decree, should appoint four Jagirdars as "Panches" (arbitrators) who would make proper arrangements for the payment of the debt. This procedure was advantageous and convenient to both parties and, although it involved the loss of Court-fees to the Darbar, this was disregarded in view of the advantage to the Jagirdars and the convenience to the creditors. Lately, however, the Darbar has introduced very simple rules regarding the taking of loans and the execution of decrees. These rules are so considerably framed that the Jagirdars and Mansabdars can, on any reasonable necessity, easily obtain a loan from money-lenders, in addition to one from the State Treasury. The rights of the creditors can thus be safeguarded and the Jagir relieved from heavy burdens. For this purpose debts have been divided into two kinds, *viz.*, (1) Karz Khas (special debt) and (2) Karz Mamuli (ordinary debt) which have been defined

and explained. Formerly the Jagir was in no way affected whatever kind of debt there might be. Now-a-days 'karz khas' can be realised out of any property. 'Karz Mamuli' alone can be realized out of the personal property of the Jagirdars. Moreover, this concession has been allowed in the execution of decrees with regard to 'karz khas' that if after obtaining the decree the Muntazim of Jagirdars or the Department of the Court of Wards, is unable to find means for its execution, the executing Court, on ascertaining the exact income of the Jagir, can appoint either the Muntazim of Jagirdars or the Senior Member of the Court of Wards as a Receiver. It becomes the Receiver's duty to bring under his supervision such part of the Jagir as yields one-third of the total income and to pay this over to the decree-holder.

55. To follow similar procedure in criminal cases would have been against principle and public peace. Therefore in criminal cases, keeping in view due observance of the Darbar laws and the protection of the rights of the subject, His Highness has excused this class from attendance at the ordinary courts in the capacity of an accused person and has appointed a special tribunal consisting of four members where their cases are inquired into instead of in the public courts. In this tribunal besides two or three capable and competent Jagirdars a Judge from the Judicial Department acts as President. Pleaders on behalf of the parties are allowed full liberty to plead on behalf of their clients and after dealing with the case according to law, judgment is pronounced. With regard to the decision the condition laid down is that whenever the members do not come to a unanimous opinion, decision will be given in accordance with the opinion of the president (that is, the judge) and one of the Jagirdar-Members; if all the members differ from the president the case must be submitted to the Darbar for final orders.

56. To familiarize the Jagirdars with the laws of the State and to secure the advantage of obtaining their views in matters which relate to their class, some of the most capable Jagirdars are nominated as members of the Majlis-i-Am, Majlis-i-Khas, Majlis-i-Qanun and other similar assemblies; for example, the Jagirdars are appointed as members on famine, grass and fuel commissions. (Administration Report, Samvat 1976, page 76.)

57. In the cases in which the Jagirdars are minors and in those of the administration of an estate in disorder, owing to mismanagement, and when the Jagir is burdened with heavy debts which

cannot be easily paid off, the responsibility for the welfare of the Jagirdar and the prosperity of the estate is not placed on the shoulders of Muntazim of Jagirdars, but on the Court of Wards which looks after the management of the Jagirdars and the supervision of its affairs. The Department of the Court of Wards was founded in Samvat 1935 (1878 A. D.) by the late Maharaja Sahib, being then styled the Sadar Superintendency (*see Section 10 above*). Amongst the numerous rules and regulations which His Highness has introduced with great care and consideration for the welfare and prosperity of the Jagirdars, the re-organization of the Sadar Superintendency was one. Just as an Under-Secretary was specially appointed by His Highness to deal with the Jagirdars' cases, so in 1903 a Special Under-Secretary was appointed to deal with cases falling under the Court of Wards, the Department being included in the Chief Secretariat. In the time of the late Maharaja Sahib, between Samvat 1935 and 1944 (1878-1887 A. D.) only five Jagirs were brought under the supervision of this Department. From Samvat 1944 to 1951 (1867-1894 A. D.), the period of the Council of Regency, ten Jagirs came under its supervision. From Samvat 1951 to 1961 (1894-1904 A. D.), fifteen Jagirs were entrusted to this Department for supervision. As it soon became evident that this arrangement was of immense benefit to the Jagirdars, a Manual for this Department was prepared and published in Samvat 1963 (1906 A.D.). When the Manual was brought into force the Court of Wards was established and four Members were appointed amongst whom the Jagirs which were then under supervision were distributed so that each Member might carefully consider and decide the cases of the Jagirs under him.

58. The Members of the Court of Wards and the Superintendents of the Estates appointed by the Court are instructed by His Highness that, while keeping in view the orders of the Darbar and the prosperity of the Estates, their first duty consists in not making the Estate-holders (*Thikanedars*) and their relatives, by their manner of exercising their authority, their behaviour and their ordinary intercourse with them, sensitive of the fact that they are under the control of others. The Members of the Court of Wards in all their dealings are to bear in mind that their appointments are intended for the comfort, benefit and prosperity of the Estate-holders and their helpless relatives and not otherwise. Some quotations from the speeches of His Highness may be given below in which the

Maharaja has given certain directions to the Members of the Court of Wards in connection with their duties :—

“The behaviour of Members of the Court of Wards towards their wards is not as considerate and sympathetic as it ought to be. You look upon yourselves as Superior Officers and your wards as mere subordinates. Such ideas create mutual ill-feeling which in turn lead to bad results. You should remember that you have been appointed for the comforts, prosperity and betterment of your wards and by means of considerate and sympathetic treatment to watch their interests and endeavour to guard them from evils, just as a parent behaves towards his children. This does not mean that you should cultivate a free and casual form of intercourse so that they do not obey you even when proper pressure is brought upon them. Mild and severe measures are both necessary; but each should be adopted only as necessity arises. The work of the Court of Wards does not consist in merely observing formalities and doing routine work. You must manage the affairs of your wards as if you are managing your own household affairs. At times events arise requiring prompt action. How can your work go on if you on such occasions, indulge in long written official correspondence? Suppose a death occurs in a certain estate and you have to arrange for the obsequies, how would the arrangement be possible if you wait for an official report or an estimate of expenditure? The order directing you to pay a monthly visit to each estate does not appear to be carried out.

“Many petty affairs can be settled during such visits. Certain members, though they pay their visits, do not care to remember the object for which visits are intended. When any report is made orally to them, they demand it in writing. On the submission of the written report orders are passed prolonging the case unnecessarily. For instance, it is necessary to submit an estimate. The point is that you do not care to find out what the actual necessities are and see the advantages of acting promptly. You are far too inclined to unnecessary official correspondence and so delay the settlement of cases.”

59. The experience gained since Samvat 1935 (1878 A. D.) sufficiently proves that under State supervision there has been a great increase in the population of Jagirs and the prosperity of the subjects and the Jagirdars. In the estates which were under the Court of Wards during the period extending from Samvat 1935 to 1951 (1878-1894) the State supervision led to many happy results; for instance :—

(1) In Samvat 1935 (1878) during the time of His late Highness, the Jagir of Sardar Ramrao Sahib Phalke came under the management of the Court. The Jagir was burdened with a debt of $1\frac{1}{2}$ lacs, but within six years the whole debt was paid up. (Administration Report, Samvat 1960, page 60.)

(2) Similarly the Estate of Sardar Anandrao Phalke came, in the same year, under the management of the Court. His Jagir was burdened with a debt twice as great as that of Sardar Ramrao's. But under State management the whole debt was paid up and when it was handed over there were savings of Rs. 23,000.

Later on in the present Maharaja's day, on the death of Anandrao Sahib, the father of Lakshmanrao Sahib, the Jagir came under the management of the Court owing to a minority. It was encumbered with a debt of Rs. 84,000. Under the management of the present Court not only was the debt discharged but in Samvat 1972 (1915) when the Jagir was handed over there were savings of Rs. 2,58,815 and the annual income of the Jagir had risen from Rs. 50,000 to Rs. 69,465. On the Jagirdar's passing the highest examination in the Sardars' School he was sent to the Mayo College at Ajmer where he passed the examination in the first division with great distinction.

60. The Jagirs coming under the Court are generally in a miserable condition and it is no easy matter to manage and improve them. But ultimately all difficulties in the affairs of such Jagirs are solved by considerate guidance and kindly efforts on the part of the Darbar, and when they are handed back they are found to be in every way prosperous and populous. In section 45 of this note it has been mentioned that Jagirs themselves, jewellery and even the Jagirdar's own house, were mortgaged on account of debt. The few instances mentioned below sufficiently prove this.

(1) When Sukheda came under the management of the Court it was found that the jewellery of the estate was all mortgaged with

a certain banker in Jaora. The financial condition of the estate was such that it had to pay a debt of Rs. 58,193 while the cash balance in hand was only Rs. 600. The first thing that the Court did was to recover the jewellery. It then discharged the other debt and handed over the estate to the Jagirdar with net savings of Rs. 47,252. Besides this it also effected an increase of about Rs. 8,000 a year in the income of the Jagir. (Administration Reports, Samvat 1964 and 1972, pages 149 and 14.)

(2) Amrit Rao Sahib Phalke's house was mortgaged with a merchant in Benares and the time for its redemption had expired. When the Jagir came under the Court there was no balance in hand. But the Court arranged to pay the money and freed the house but only with great difficulty. (Administration Report, Samvat 1964, page 149.)

(3) Similarly a Jagir village of Gadhve Sahib was mortgaged for 23 years for a sum of Rs. 610. It came to light that three times the sum had already been recovered by the mortgagee, while possession of the village had been assigned to the creditor for a period of twelve years. After the expiration of this period Gadhve Sahib was to receive back the village on payment of Rs. 1,500. With great difficulty the Court managed to free the Jagirdar from the clutches of the mortgagee and the village was recovered on payment of Rs. 1,500.

(4) The Estate of Shree Sahib also comprises a Jagir in the Nizam's dominions. The Jagirdar exercised judicial stamp and registration powers there which were rescinded by the State; but the Darbar fought for these rights and they were recovered, (Administration Report, Samvat 1960, page 63.)

61. From the instances mentioned above it is quite clear that the Darbar has invariably considered the difficulties of the Jagirdars and the disabilities of a minority and has never lost sight of the rights likely to be lost to them, but has settled their affairs in the same manner as it would its own.

62. Until economic conditions are well developed the mere preservation, however, of the rights of the Jagirs does not lead to progress and prosperity, as this requires money. This task is facilitated, provided the Jagir is not burdened with debt and has savings in hand. But when the Jagir is not free from debt and has no savings in hand, difficulties arise at every step. That these obstacles are removed and progress made in the estates' prosperity are clear proof

of the perseverance of His Highness and the zeal of the members of the Court of Wards. The statements below will show the various measures adopted for the betterment of the estates, and it will also be seen from Statement No. 1 how these Jagirs have progressed as a result of these measures :—

1. Survey and Settlement.—For many years His Highness has been pointing out how both the Jagirdars and their tenants suffer serious loss owing to the lack of a proper land settlement. In some estates the revenue demand has risen so high that it is very difficult for the tenants even to save enough for their maintenance. On the other hand, the Jagirdar often suffers loss from the fact that the assessed revenue is only nominal, as compared to the total produce of the land, as on some estates the cultivator pays revenue on only 70 or 80 *highas* though actually cultivating 100 *highas*.

It is plain that these two defects are due to the absence of a proper survey and classification of the land. Over and above this, nobody can deny the numerous advantages of a regular settlement. Therefore His Highness laid the foundations of a regular settlement in Samvat 1969 1912 A. D). He sanctioned a moderated grant and commenced settlement work in estates under the Court of Wards.

This Survey and Settlement Department for Jagirs is a special branch of the Court of Wards and has no connection whatsoever with the Settlement Department of the State.

Out of 1,678 Jagir villages the work of classification has now been carried out in 1,501, the work of clearing jungle in 1,337 and of assessment in 1,360 at a cost of Rs. 3,32,197. (Administration Report, Samvat 1970, page 68.)

The settlement of estates not coming directly under the supervision of the Court of Wards, but to which the new rules of "Jadid-ul-usul" apply, is also carried on by this Department.

Jagirdars who manage their own estates can also utilize the benefits of this Department, but the condition is that such Jagirdars (excepting those under Jadid-ul-usul) must pay expenses incurred in settlement, on which they can obtain the necessary settlement papers. (File No. 11 of Samvat 1973, Sec. B, Court of Wards.) Besides this, permanent arrangements have been made by the appointment of Kanungos in all large estates. These Kanungos impart instruction to the Patwaris according to Darbar rules and on the Patwaris

passing on a test, they are allowed to appear for the Darbar examination (Vide File No. 49, Samvat 1966, Coutr of Wards.)

2. Inquiry regarding Revenue-free Grants (Muafi).—

There are various Jagirs in which all the land or entire villages are held as revenue-free grants (Muafi) by persons other than the Jagirdar himself. Such grants are of two kinds. The first are those which were in the possession of these persons before the Jagir was granted, and the second those that have been granted by the Jagirdars themselves. Doubts arose in some cases with regard to grants of the first kind, as, for instance, either the Sanad of the holders of such grants were defective or on enquiry it was found that the holders of such grants were in possession of land far in excess of that mentioned in the Sanad. In the same manner the grants made by the Jagirdars were, according to the "Rules for Jagirdars" held to be illegal as they possess no power to alienate either their Jagirs or any part of them. The Darbar, therefore, with a view to protect the rights of the Jagirdars appointed a special Officer to investigate such cases.

After the completion of the enquiry only such revenue free grants as had been made prior to the grant of the Jagir were confirmed, provided always the Sanads under which they were granted were found to be in order. As the revenue-free grants made by the Jagirdars were illegal, being opposed to the orders issued by the Darbar, so the Jagirdars had the right to recover the land. In the same way in cases in which Sanads exist (though defective) for grants made before the grant of the Jagir itself, all excess land of which no mention is made is considered as belonging to the Jagirdar. Hence this enquiry is of great advantage to Jagirdars. (Misal No. 61 of Samvat 1973, Court of Wards.)

Besides having for its object the protection of the rights of the Jagirdars this enquiry was also used to see that the rights of revenue-free grants made by the Darbar itself, within a Jagir, were not disturbed and that the Jagirdars could not deprive the grantees of them. All cases of mutation of names of holders of revenue free grants (Muafidars) are dealt with directly by the Darbar. (See Misal No. 3 of Samvat 1971.)

3. Police.—It is essential for the prosperity of an area that peace and safety should be secured and this requires permanent expenditure. Generally speaking, most Jagirs cannot afford to

undergo this expenditure, and only in the big Jagirs, such as those of Sardars Shitole Sahib, Jadhav Sahib, Shri Sahib, etc., can proper salaries be paid to the police and experienced officers be appointed. A special officer has, therefore, been appointed by the Court of Wards to supervise all police arrangements in the Jagirs under the Court. Although the work of the Jagir police is petty as compared to that of the Darbar police still the number of offences committed and those traced by the Jagir police under the management of Court of Wards, as noted in the Annual Report of Samvat 1976 (1919 A. D.) are not devoid of interest. Out of 102 cases 53 were traced, which gives some idea of their efficiency.

4. **Means of Irrigation.**—Since the greater portion of the Jagir income depends upon the produce of the land, facilities for irrigation are essential. Hence in Jagirs which can afford to spend money in this direction the Court of Wards, after considering the repair of old wells, tanks and the construction of new works, as necessity arises (taking the opinion and advice of the State Irrigation Department), when certain as to the profitable nature of the work, undertakes them, so that the Jagirdars' money may not be wasted nor the Court of Wards be charged with carelessness.

A concession allowed by His Highness deserves mention here. If a Jagirdar desires to take a loan for irrigation and other productive works, the Darbar advances money at the rate of 4% per annum. (Administration Report, Samvat 1969, page 5.)

5. **Takkavi (Grants-in-aid to Cultivators).**—The life of a cultivator formerly depended mainly upon the mercy of the money-lender. If the money-lender advanced money the cultivator was able to sow his fields and so lived. But such an existence invariably leads to ruin, as the loan from the money-lender placed them in a position from which they could scarcely ever liberate themselves. In view of this His Highness opened Agricultural Banks throughout the State and thus saved the cultivators and Jagirdars from the clutches of the money-lenders. This arrangement secures profitable cultivation to the cultivators. Takkavi advances are made to the cultivators by the Court of Wards as well as the Agricultural Banks. There are 31 Banks at present. This number, in view of the number of Jagirs, is certainly not large, but it is the first step on the ladder of progress and is in every way a matter for congratulation.

6. **Co-operative Societies.**—It is not long since the co-operative movement was started in the State, but as the result of strenuous efforts on the part of His Highness the people in general have begun to understand its advantages, and there has been large increase in the number of Societies and also in their funds. His Highness by using some pressure with the Jagirdars induced them to establish Societies in their Jagirs. There are two such Societies at present. But time will no doubt come, in the near future, when cultivators will appreciate their value and start them themselves.

7. **Roads and Buildings.**—Roads are essential for commercial progress and buildings for State institutions such as Police, Tehsils, Courts, etc. Besides this the buildings add to the dignity of the State and Jagirs. The details of the roads and buildings already constructed in Jagirs under the management of the Court of Wards can be seen in Statement No. 1, at the end of the Appendix.

8. **Post Offices.**—The existence of Post Offices is required for the development of commerce and to facilitate administration, and the result of the attention paid to this factor in Jagirs under the management of the Court of Wards, is also given in the same statement.

9. **Industries.**—Together with the development of commerce, the opening of Cotton Presses, Ginning Factories and Mills is always a useful form of industrial expansion. But the Jagirs possess little knowledge of commercial matters while such works involve great expenditure. In spite of this, as a result of His Highness' efforts, some have lately been started and their continuance is a proof of the fact that they are a source of income to the Jagirs in which they exist.

10. **Municipalities, Panchayat Boards, Hospitals and Schools.**—It has been mentioned above more than once that institutions of this kind were seldom found in the Jagirs owing to want of education and neglect on the part of the Jagirdars. Municipalities and Panchayat Boards were altogether unheard of. But now in many places these useful institutions have been started under the management of the Court of Wards by order of His Highness. This can also be seen from Statement No. 1.

11. **Forests.**—There was no management at all in Jagir forest land either in respect of demarcation or fire lines. The Court of Wards has gradually laid out fire and demarcation lines in all the big Jagirs. In Samvat 1972 (1915 A. D.) the Forest income of the

Jagirs under the Court of Wards was Rs. 42,053, but as the big Jagirs have now been handed over to the Jagirdars, the Forest income in 1976 (1919 A. D.) of the Jagirs under the Court of Wards amounted to only Rs. 14,568.

12. **Buildings.**—In some places the condition, even of residential buildings and the local forts, had become bad, some being in a most dilapidated condition. Had these buildings been allowed to remain in the same condition, their repairs would have cost as much as was expended on the original buildings. But the Court of Wards inspected them, and by carrying out necessary repairs, kept them in a fit condition to dwell in.

63. In return for the services rendered by the Court of Wards a nominal percentage is charged on the annual income of the Jagirs under its care. The rate until lately was 4%, but on a proposal brought before the Jagirdars' Conference the percentage was raised to 5%. But only half even of the fixed rate is charged to Jagirs which cannot afford to pay the full rate owing to small incomes or heavy debts. In certain such cases even less than half is charged, while some Jagirs are altogether exempted from payment. (Budget of Court of Wards, Samvat 1977.)

Before levying this percentage the amount of "tanka," "Bhil Patti," Road cess, and such other heads as are credited to the State, are first deducted; that is to say, the percentage is charged only on the amount which the Jagirdar receives as net income. (Misal No. 249, Samvat 1970, Court of Wards.)

64. The sum derived from this percentage charge is very economically expended and a scheme is on foot for lending the surplus balance that remains after the necessary expenditure of the department has been met, to estates under Court of Wards, at a very low rate of interest. Efforts are also being made to increase the surplus balance so as to entirely remove the necessity for charging any percentage in future. (Administration Report, Samvat 1973, page 9.)

The above savings now amount to Rs. 3,57,000, and are being utilised for advancing loans. Recently, moreover, His Highness granted a sum of Rs. 80,000 and has also established a special fund of Rs. 11,57,000 which is utilised for the following three purposes:—

- (1) To free Jagirdars who are heavily indebted to bankers and are encumbered by the high interest charged on their loans.

- (2) To render assistance to agricultural and other useful schemes.
- (3) To redeem the property of Jagirdars lying outside the Gwalior State which has been mortgaged with money-lenders.

65. **Heads of Receipts.**—Many taxes which were formerly collected in the State under different heads were remitted by His Highness with a view of giving relief to his subjects. Similar taxes were also collected in the Jagirs. His Highness in his consideration for his subjects and for the prosperity of the Jagirs under the Court of Wards decided to remit such taxes and ordered their remission with the exception of :—

1. Excise (Kalali).
2. Dues on sales of cattle, etc. (Biai).
3. Grazing fees.
4. Contracts for halting places, and such other items as grass and forest land dues, which are not reckoned as regular taxation.

But it should be noted that this remission of taxes is not permanently enforced, as the status of the Jagirdar is considered, the Darbar being only responsible for the gain or loss during a minority and until the estate-holder is invested with powers. Therefore the Jagirdar, on being invested with powers, has full authority to re-impose these taxes if he does not consider their remission advantageous.

66. The above-mentioned measures have been introduced into Jagirs under the Court of Wards for their welfare. That the interests of the Jagir and Jagirdar are not separate is obvious, but the further measures taken by His Highness with a view to maintain the honour and dignity of the Jagirdars themselves, as well as those of their wives and children and near relatives, may be noted.

The Jagirdars have been arranged in four classes :—

1. Jagirdars with an income of above ... Rs. 50,000
2. Jagirdars with an income from Rs. 20,000 to „ 50,000
3. Jagirdars with an income from „ 10,000 to „ 20,000
4. Jagirdars with an income from „ 5,000 to „ 10,000

For each of these classes a standard of household furniture and the amount of jewellery has been fixed. When any Jagir comes

under the Court of Wards, a provision of one-sixth of the total annual income is made in the annual budget for the purchase of these articles, so that in course of five or six years everything of this kind required can be obtained and at the time of the investiture of the Jagirdar, the Jagir, together with all these articles, is handed over to him. Thus with the advice of a Committee, consisting of the Sardars and Jagirdars, the Darbar has fixed a standard befitting the positions of each class. This lays down all the articles necessary for the estates, such as jewellery and silver and gold ornaments for the personal use of the Jagirdars and the ladies of their household, the number of things generally required for the purpose of receiving and entertaining guests, for the decoration of the house, all necessary things needed for the stables and kitchens and useful and necessary articles required on occasions of tour and travel. These will shortly come into force. (Misal No. 148, Samvat 1977, Court of Wards)

67. Together with these efforts in connection with the welfare, prosperity, and maintenance of Jagirdars, the Maharaja under no circumstances permits the higher classes to benefit to the detriment of the lower classes. To safeguard against this His Highness, therefore, has issued an order that if any estate holder applies of his own accord to come under the Court of Wards it must first be ascertained whether he does so to save himself from trouble or to put the money-lenders to loss. (Misal No. 73, Samvat 1976, Court of Wards.)

68. It is natural that no one likes the interference of others in his affairs and hence some Jagirdars complain against the arrangements of the Court of Wards. At times this complaint is due to misunderstanding, but it is sometimes based on good cause. Jagirdars who can apply to the Members concerned and so put their difficulties before them can get these removed as far as it is possible. But in Jagirs where the Jagirdar is a minor and where there is no manager to look after the estate on his behalf, the "Parda-nashin" ladies find it very difficult to make their difficulties known. His Highness in order to remove this difficulty devised a scheme, which was based on true sympathy and kind-heartedness, and the "Parda-nashin" ladies were soon benefited, beyond their expectations. By this scheme the "Parda-nashin" ladies of the Jagirs went to pay their respects to Her Late Highness Jija Maharani Sahiba and used to put their difficulties before her. Explanations were asked for from the Members concerned, who also attended on such occasions, they being questioned by Her Highness, who then passed such orders as

would remove the difficulties. (Administration Report, Samvat 1961, page 1.)

69. One particular concession which the Darbar has been pleased to grant to the Jagirs under the Court of Wards, in accordance with its general considerate treatment, is that if the minor Jagirdar, on attaining his majority, imagines that during his minority his interests were not properly safeguarded in certain instances, he is at liberty to re-open such cases for re-consideration.

70. In addition to the administration of estates through the Court of Wards another scheme styled "Indirect Court" has been introduced by the Darbar to afford facilities to the Jagirdar or his near relatives to carry on the management of the holding in consultation with the officers of the Court of Wards, on payment of half the fixed percentage.

Some idea of the benefit which Jagirs derived from the Court of Wards can be had by a perusal of Appendix No. 1 which shows the various works of public utility such as schools, hospitals, post offices, agricultural banks and co-operative societies extant in different Jagirs.

Even after the compilation of the Rules and History of the Jagirdars and the Manual of the Court of Wards as well as the adoption of the various measures to secure the well-being and prosperity of the Jagirdars, the Darbar's endeavours in the interest of the Jagirdars still continue. For instance, if, during inquiry into a case referring to the Jagirdars, anything calculated to promote the interest of the Jagirdars occurs to the Darbar it at once takes steps to enunciate a principle on the subject, and Appendix No. 2 will show the various rulings laid down by the Darbar from time to time on different subjects after the introduction of 'Rules for Jagirdars.'

STATEMENT No. 1.

Statement showing Institutions which came into existence in the Jagirs under Court of Wards during the last ten years, *i. e.*, from Samvat 1965-1975.

Number of Jagirs.	Hospitals.	Schools.	Post Offices.	Agricultural Banks.	Co-operative Credit Societies.	Industry—Mills, Factories, etc.	IRRIGATION WORKS.		CRIMES.		ROADS.		BUILDINGS.		Drainage.	Municipalities.	Remarks.
							Number.	Expenditure.	Crimes Committed.	Crimes Traced.	Miles.	Expenditure.	Number.	Expenditure.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
								Rs. a. p.				Rs. a. p.		Rs. a. p.			
62	8	32	20	31	2	1	669	12,977 11 7	1223	1520	...	2,94,841 5 3	37	92,437 12 0	6	1	

APPENDIX No. 2.

DEALING WITH RULINGS INCIDENTALLY PASSED BY THE DARBAR FROM TIME TO TIME IN THE COURSE OF INQUIRY INTO CERTAIN CASES AFTER THE PUBLICATION OF THE JAGIRDARS' RULES.

1. If any Jagir is divided into different shares and the mutation of names for the possession of each of these shares has been separately sanctioned by the Darbar then if any one of the shareholders dies without leaving either an adopted son or any other legal claimant to the Jagir, which is thus subject to escheat, it will then lapse to the State, unless the Darbar orders that such portion shall be restored to the original Jagir, (Misal No. 3, Samvat 1968, Mutation of Names.)

2. In Jagirs burdened with debt the amount which is annually paid to the creditors should, on the liquidation of the debts, be utilized for the purpose of promoting the prosperity of the State. (Misal No. 140, Samvat 1968, Court of Wards.)

3. If any villages on the confiscation of a Jagir are brought on to the ordinary list of revenue-paying State villages, the arrears outstanding against them will generally be remitted. (Misal No. 23, Samvat 1970, and 359, Samvat 1976.)

4. It has been agreed with regard to the sixteen Jagirs in Amjhera that in future on the mutation of names these estates will be dealt with in conformity with the policy of "Jadid-ul-usul" and the amount of Tanka will be fixed on the income as then ascertained at the settlement. (Misal No. 66, Samvat 1970, Miscellaneous.)

5. In cases in which Jagirdars' Sanads contain these conditions "that possession and control over lands and rights established as charitable gifts, etc., previous to the grant of the Jagir are excluded from the grant" ("Kherij, Haqdar, Inamdar, Padarakh, Dharmadaya, etc.") and there are plots of land or entire villages assigned by Darbar Sanads, such assignments will be subject to the jurisdiction of the Darbar; in cases in which the Jagirdars' Sanads do not contain the above conditions but in which plots of land or entire villages have been similarly assigned by Darbar Sanads it was formerly a moot point whether the power of resuming or sanctioning mutation in the case of such rights rested with the Darbar or not. This

matter was finally decided in favour of the Darbar. (*Vide* File No. 165, Samvat 1971, Muntazim Jagirdars.)

6. Raoji Sahib Athana applied for exemption from personal appearance at the Darbar (court) upon which the Darbar was pleased to order the exemption for the time being of all **Ghashiya Nashin** Sardars from personal appearance at Judicial Courts. (File No. 165, Samvat 1971, Muntazim Jagirdars.)

7. A Chowkidar must be appointed by the Darbar for the protection of the villages of Jagirdars who pay a contribution towards police expenses for guarding travellers.

8. A Jagirdar has a right to collect the water-tax according to the rate fixed by the Darbar for supplying water from the Jagir dams to Khalsa villages, just as the Darbar collects a water-tax for the supply of water to Jagir villages from the Irrigation Dams on Khalsa (Government) territory. (Misal No. 10, Samvat 1972.)

9. On the submission of the case regarding sanction to the assessment rates in connection with the village of Jiran in the Jagir of Sardar Shitole Sahib, the Darbar decided that in all such cases the minor Jagirdars who are sufficiently grown up to understand such matters should henceforth be consulted, as this would help indirectly in imparting education to them. This would, no doubt, take time; but in the long run it would yield good results. (Misal No. 19, Samvat 1972, Political Department, S. B.)

10. On the death of Govind Rao Shinde, sub-Jagirdar of villages Aiswaya-Asali, Dhakli, Amargarh and Pachpedia, Pargana Pohri in the Jagir of Shitole Sahib (senior), Khande Rao Shinde, the grandson of the deceased, submitted an application to the Darbar through the Court of Wards for mutation of names. The Darbar decided that this grant by Baba Sahib Shitole was illegal in accordance with the Section 290 of Revenue Laws, Samvat 1931, and Section 47 of the Rules for Jagirdars; because in such cases Section 47 must be strictly followed. (Misal No. 213, Samvat 1973, Political Department.)

11. If the Forest Department has made any income during the interval between the receipt of a new Sanad in accordance with the rules of Jadid-ul-usul and the passing over of possession to the Jagirdar, the income so recovered shall be paid to the Jagirdar, after deducting the expenses incurred. But the Jagirdar is not entitled to receive the income previous to that period. (Misal No. 1441, Forest.)

12. A decision was given in connection with the mutation of names of Thakur Shankar Singh, son of the deceased Chaudhari Desh-mukh Bhairon Singh, Inamdar of village Olija, in Pargana and District Bhilsa, that no Nazarana should be taken from an adopted son in cases where the order is issued to apply the Rules of Jadid-ul-usul to an estate on granting sanction for the mutation of names. (Misal No. 28, Samvat 1973, Mutation of Names.)

13. It was decided in the case for the mutation of names of the Muafidar of Ghatai, Pargana Pohri, District Narwar, that one Jagir must not come under the jurisdiction of another Jagir. In any such case, at the time of handing over the Jagir to the Jagirdar, it must be separated from it. (Misal No. 10, Samvat 1973, Mutation of Names.)

14. No details are given in the "Rules for Jagirdars" as to jails in the Jagirs. The reason is that the tenants of a Jagirdar are also the subjects of the Darbar, that the Jagir is the part and parcel of the State and that the laws of the State are in force in all Jagirs. But instructions were necessary regarding the feeding of Jagir prisoners when they were transferred to the Central Jail and also as to whether the Jagir jails were to be treated as Pargana jails or district jails. It was decided that the Jagir jails should be considered Pargana jails and since the Darbar receives the judicial income of the Jagir and profits by the industry of long-term prisoners in the Central Jails, no question as to the cost of the Jagir prisoners arises. (Misal No. 8, Samvat 1974, Political Department.)

15. In cases where the estate was under supervision owing to the minority of the Jagirdar, who had no lawful guardian to execute a bond for a loan, the Muntazim of Jagirdars was uncertain on what security to advance loans to a Jagir on the mere application of a Kamdar. The Darbar has ordered that in such circumstances the order of the sanctioning officer or of the Darbar should be held sufficient. (Misal No. 743, Samvat 1974, Muntazim Jagirdars.)

16. If a Sardar or a Jagirdar holding a high post in the State is required to attend a judicial court in the discharge of his duties he is, as an official, not exempted from attendance at the court, although in his personal capacity he may be exempted as being a Sardar or a Jagirdar. (Misal No. 105, Samvat 1977.)

17. No judicial court can grant permission without the sanction of the Darbar, to Barristers and Vakils of foreign courts to plead in cases relating to the special courts of the Jagirdars. (Misal No. 157, Samvat 1975, Legislative Department.)

18. On the question arising of the grant of leave to Sardar Patankar it was decided that Jagirdars or Sardars must, on their leave being sanctioned from the Department they are working in, inform the Muntazim Sahib of Jagirdars. (Misal No. 8, Samvat 1976, Muntazim Jagirdars.)

19. It is the duty of the holders of Jagirs on a service tenure or of their rightful heirs to render service to the State, with due regard to the rules and regulations of the Darbar and the progress in the management of the State. But in case any of these holders or rightful heirs is found incapable of rendering service to the Darbar, the Darbar will, as a necessary measure, make suitable arrangements for the performance of such duties and will recover the actual expenditure so incurred from the Jagir concerned, since it was only for the performance of such service that the Jagir was granted. But it must not be supposed that such arrangement would in any way prejudice the established relations existing between the Jagirdars and the Darbar. These relations remain intact and the charges made on the Jagir are remitted on the Jagirdar or rightful heir proving capable of discharging the State service required. (Notification, Home Department, dated the 30th October 1921.)

20. The Jagirdars are entitled to hold markets in their Jagirs on these conditions:—

1. That a public market can be held on obtaining permission from the Trade Member.
2. That the Suba Sahib of the Zila must be informed so as to enable him to make the necessary police arrangements whenever a market is to be held in a village bordering on State territory.
3. That no market may be held in a Jagir on the same day on which it is held in Darbar territory or adjoining foreign territory. (Misal No. 67, Samvat 1973, Mutafarrikat.)

21. The Darbar advanced a loan of Rs. 20,000 to Sardar Govind Rao Mahadik at 7% and ordered that in future the rate of 7% should be introduced for all loans. (Misal No. 15, Samvat 1978, Loans.)

22. An order was issued on the 10th October 1921 on the loan application form that gradually the rate of interest on loans should be increased to 9%. (Loan from 1921 A. D.)

Y

**PRESIDENT'S
SECRETARIAT
LIBRARY**

Y